

OF A

LOCAL NATURE,

PASSED AND PUBLISHED

THE TWENTY FIRST SESSION OF THE

GENERAL ASSEMBLY

OF THE

STATE OF INDIANA;

HELD AT INDIANAPOLIS; ON THE FIRST MONDAY IN DECEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY SIX.

BY AUTHORITY.

INDIANAPOLIS:

Bolton & Livingston, Printers. ***********

1837.

LOCAL LAWS.

CHAPTER I.

An Act to incorporate the Trustees of the Western University.

(APPROVED, JANUARY 21, 1837.)

Be it enacted by the General Assembly of the State of Indiana, That David Sprague, Joshua Hobert, William P. Morse, J. W. Chamberlain, Jacob Bigelow, Thomas Tyrell, Herbert Williams, A. F. Marshall, Robert Stewart, Abijah Bigelow, L. P. Bradley and Wanny Burke, and their successors in office, be and they are hereby constituted and declared to be a body corporate and politic, by the name and style of the "Western University," and by that name they shall have perpetual succession.-This body corporate or board of trustees, shall have power to appoint a faculty in said University, consisting of a President, Professors and Tutors, as the necessities of the institution may demand; and the faculty so appointed by and with the approbation of the board of trustees, shall have power to grant and confer such degrees, in the liberal arts and sciences, as are usually granted and conferred in other Colleges in the United States: Provided however, That no degree shall be conferred, or diplomas granted, except to students who have acquired the same proficiency in the liberal arts and sciences, as is customary in the Colleges of the United States. The board of trustees shall also have power to contract and be contracted with, to acquire, hold, enjoy and transfer property, to an amount sufficient for all the purposes of the University, real or personal. in their corporate capacity, to make, have and use a common seal, and the same to alter at pleasure, to sue and be sued, plead and be impleaded in any court of law or equity, to receive and accept of any gift, grant, donation bequest or conveyance, by any person, company or corporation, of any property real or personal, and to hold and enjoy and dispose of the same as may be deemed best for the interest of said University, to make, ordain, establish and execute such by-laws, rules and ordinances not inconsistent with the Constitution and laws of the United States, or of this

State, as they shall deem necessary for the welfare of said institution, and to do all other acts in pursuance thereof necessary for the prosperity of said University: Provided, That no particular religious sect or particular persons, shall have preference in their admission to the privileges of this institution

SEC. 2. The following shall be the fundamental law of said institution. to wit: the board shall never consist of more than eighteen members, of whom six, when regularly convened, shall constitute a quorum for the transaction of business. The board shall, at their first meeting, elect by ballot, six others, who, with those constituted trustees by this act, shall form a full board and divide themselves into three equal classes. The first of which shall go out of office at the expiration of the first year after this enactment, and the vacancies be filled by a new election, the second at the close of the second year in like manner, the third at the close of the third year, and the vacancies be filled immediately by new election. so that ever afterwards one third go out of office annually, and the vacancies filled by annual election. The annual election of trustees shall be conducted as follows, to wit: Three weeks prior to the holding such annual election due notice shall be given by the trustees, by advertisement published in a newspaper in the county where said College is situated, if any there be published; if not, in some newspaper in one of the adjacent counties, nearest thereto, giving notice of the time and place of holding said election. The contributors to said College who may attend said meeting, shall then proceed to ballot for six trustees; and any person. having a right to vote, not attending, may vote by proxy. Each contributor shall have a right to one vote for every ten dollars contributed and paid in towards said institution, until said sum exceeds fifty dollars, then one vote for every twenty five dollars, until the same exceeds one hundred dollars, and for all over one hundred dollars, one vote for every fifty dollars; and the six persons receiving a majority of the votes given, shall be considered duly elected. The board shall have power at any of their meetings, to fill vacancies which may occur in their body by death, resignation, removal, or a failure of the contributors at any time to assemble, and elect trustees, as above provided. These elections shall all be by ballot. The first meeting of the board shall be at Michigan City on the first Tuesday in the month of August eighteen hundred and thirty seven; and the annual election for trustees shall be at such time in the month of August, and at such places as may be agreed upon by the board, at each preceding annual election.

SEC. 3. To promote the health of students, and diminish the expense of their education, the board shall make such arrangements that those students who desire it may be exercised and instructed in some species of

agriculture or mechanical labor.

SEC. 4. The board of trustees shall make it one of their first objects, and at present the most prominent object in their efforts to promote literature, to provide the means for conducting an English scientific department in the institution; and further, the board shall make provisions for a department preparatory to the college classes, so long as such department may be found necessary.

SEC. 5. The Legislature reserves to itself the right to revise or amend the provisions of this act of incorporation at any time after ten years, so as not however to impair the fundamental principles of the incorporation.

SEC. 6. This act is declared to be a public act and the same shall be construed favorably for every beneficial purpose therein intended.

This act to be in force from and after its publication in the Michigan City Gazette, Indiana, and continue in force for the term of fifty years.

CHAPTER II.

An Act to provide for draining Lost Creek in Vigo county.

(APPROVED, JANUARY 21, 1837.)

WHEREAS, it being represented to the General Assembly, that a stream denominated Lost creek, enters Fort Harrison prairie, about four miles north east of Terre Haute, and in times of high freshets spreads itself over a district of country many miles in extent, thereby producing much sickness in the neighborhood, and the destruction of valuable prop-

erty; for remedy whereof.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of Vigo county, shall immediately appoint three competent disinterested commissioners, whose duty it shall be (after having taken an oath or affirmation, faithfully to discharge the several duties herein assigned them,) forthwith to employ one or more competent engineers, who shall proceed, so soon as the nature of the ground will permit, to make a full and complete survey of said Lost creek, and so much of the adjacent country, as he or they may deem necessary, preparatory to draining said creek. The said engineer or engineers shall also make all the necessary levels and notes or plats of said survey, together with estimates of the cost of said works, with their views as to the proper route of said drain, and the point at which it shall terminate; as also the best and most economical mode of executing said work; and so soon as their several duties shall have been accomplished, they shall make full report of the same to the commissioner who employed them.

SEC. 2. It shall be the duty of the said commissioners, thus appointed by the board, so soon as they shall receive the said report and estimates, to proceed to an examination of all the land through which the said creek passes, or which is overflowed or otherwise injured by said creek; and also all such as in their opinion, is rendered unhealthy by means of the overflowing of said creek, and make a list or statement of the amount of damages that each separate tract sustains, by reason thereof; or the benefit each will derive by draining said creek, and lay a pro rata tax upon said land, the aggregate of which shall cover the amount of the engineer's estimates as aforesaid.

SEC. 3. The said commissioners shall proceed, either by public or pri-

vate contracts, as to them shall appear most advisable, to open said drain and raise such embankments, as shall be found necessary to confine said creek to its channel and conduct the same off of the said prairie; and to enable the said commissioners to execute the work as aforesaid, they are hereby authorized and empowered, to proceed to the collection of the tax, laid as aforesaid, in such sums and at such periods as the progress of the work may require, by making out a list of such taxes, against the owners of the lands thus taxed, which list they shall give to the sheriff of Vigo county, who shall thereupon proceed to collect the same, and pay it over to said commissioners, and the said sheriff shall be allowed such compensation as said commissioners shall deem just and reasonable.

SEC. 4. In case of neglect or refusal of any person to pay said tax, on being called on by said sheriff, it shall be the duty of said sheriff to levy upon the goods and chattels of such delinquent, and after advertising the same for the term of ten days, he shall sell the same or enough thereof to make the amount of the said taxes, together with the costs, and the fees of the said sheriff, shall be the same as is allowed by law for property sold on execution: Provided, That wher said tax is assessed against the land of non-residents, or infant heirs, the said sheriff shall demand the payment of the same from the agent or person employed to pay other taxes for said non-resident, if such agent can be found, and from the guardian or nearest of kin of such infant heir, and if payment be not made, within three days after such demand, the said sheriff shall advertise said land for sale, or enough thereof to pay said taxes and costs, by publishing the same in the newspapers of Terre Haute, for the space of thirty days, at the expiration thereof he shall sell the same, or the smallest quantity thereof which will make the sum required. The said sheriff shall give to the purchaser of such land, a certificate of such sale, which certificate the owner of such land, or his agent may redeem, any time within the space of two years from the date thereof, by paying the original amount of such taxes, together with all costs of such sale, and interest at the rate of fifty per cent. per annum; but the holder of such certificate, if not redeemed at the expiration of the said two years, may have said certificate recorded, and shall thereby become invested with the fee simple to such land.

SEC. 5. If the taxes first assessed shall prove insufficient to accomplish said work, the said commissioners shall in the same manner assess and collect such further sum, as they may find necessary to finish said work.

Sec. 6. Any person or persons feeling aggrieved by the assessment and collection of the aforesaid taxes, may, by themselves, their agent or attorney, make a statement in writing, of the subject matter of their complaint, and lay the same before the board of county commissioners, whose duty it shall be to examine, and decide upon the said complaint, and if such complainant, or the commissioners against whom said complaint is made, shall not be satisfied with such decision, they may appeal to the Circuit Court, in the same manner that appeals are made from the decisions of justices of the piece, and the decision of the said Circuit Court shall be final.

SEC. 7. The said commissioners, whose duty it is to superintend the construction of said work, shall have power to use any timber, or other

materials necessary about the same, allowing the owner, if required, a reasonable compensation therefor. They may also, if they deem it necessary, employ a competent engineer to assist in the construction of the said work, whose compensation, together with their own, and the expenses of making the surveys and estimates aforesaid, shall be fixed by the board of county commissioners, and paid from the treasury of said county, out of any moneys not otherwise appropriated; the said commissioners shall keep and preserve a record of all their proceedings, the contracts made, moneys received and disbursed, and all other important matters connected with the discharge of their several duties, which record shall be deposited (when the said work is completed) with the clerk of the Circuit Court, who shall preserve the same for future reference and examination.

This act to take effect and be in force from and after its passage.

CHAPTER III.

An Act to incorporate the Indiana Pottery Company, for the purpose of manafacturing Earthenware and China.

(APPROVED, JANUARY 7, 1837.)

Whereas, Reuben Bates, James Clews, Samuel Casseday, William Bell, James Anderson, Jr., Edmund T. Bainbridge, Perly Chamberlin, William Garvin, John B. Bland, Jacob Lewis, and Willis Ranney, have heretofore associated themselves together, for the purpose of manufacturing earthenware and China in the State of Indiana, under the name and style of the Lewis Pottery Company; and whereas, the said parties are desirous of being incorporated, for the greater convenience of prosecuting said business: now therefore—

SEC. I. Be it enacted by the General Assembly of the State of Indiana, That Reuben Bates, James Clews, Samuel Casseday, William Bell, James Anderson, Jr., Edmund T. Benbridge, Perly Chamberlin, William Garvin, John B. Bland, Jacob Lewis and Willis Ranney, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body politic and corporate, by the name and style of the Indiana Pottery Company, and shall so continue until the first day of January nineteen hundred and eighty-six; and shall be capable in law and equity to sue and be sued, defend and be defended, answer and be answered unto, in any and all courts whatsoever; to make and use a common seal, and the same to alter and change at pleasure; and shall be able in law, to make contracts and enforce the same; and to make and enforce the necessary by-laws and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and Constitution of this State.

SEC. 2. The capital stock of said company shall be one hundred thouand dollars, divided into shares of one thousand dollars each, with power to increase the capital stock to two hundred thousand dollars.

Sec. 3. The directors in this act named, or a majority of them, shall meet at Troy, at such time as they may agree upon, and organize said company by electing one of their own body President thereof, who shall continue in office one year, or until his successorshall be elected, and after such election a majority of the directors shall constitute a quorum to do business.

SEC. 4. The said corporation shall have power to employ such agents, clerks, treasurers, artists and other officers and persons, necessary for carrying on the manufacturing of earthenware and China or other articles. SEC. 5. The board of directors may sit on their own adjournments or

at the call of the president or any two directors.

SEC. 6. At the first meeting of the board of directors, they shall cause a book to be opened for the subscription of stock in said company; and each person named in this act shall have the right to subscribe for three shares of stock and no more, agree to a contract already existing between them, under which buildings are erecting and many contracts made by which they are bound. And should either or any of said named persons fail or refuse to subscribe for said three shares, or any part thereof, then the subscribers owning three shares or a majority of them, may permit any other person or persons to subscribe for stock, until thirty three shares shall be taken and subscribed for, when the books shall be closed.

SEC. 7. Any person owning three shares of stock in said company, snall be a director thereof. The payments on the stock shall be regulated by the board of directors, and may be enforced by charging interest on calls unpaid, at a rate not exceeding five per centum per month; and they shall have power to declare the stock forfeited, when the interest on the calls unpaid shall exceed the amount actually paid on any

share or shares.

The board shall keep a journal or record of their proceedings, which

shall be signed by the president or president pro tem.

SEC. 9. The board of directors, three fourths being present, shall have power to re-open at any time, the books for the subscription of stock in said company, in such manner and under such restrictions as they may think proper.

Sec. 10. The company shall have power to hold real estate, goods and chattels to any amount not exceeding two hundred thousand dollars.

SEC. 11. The board of directors, three fourths of the whole number concurring, shall have power to dissolve this company, and settle up its affairs, and distribute the property and effects thereof, first giving bond and security, payable to the state of Indiana, to be approved by the county court of Perry county, for the payment of all debts due by said com-

a divided into shares of one thousand delices one to

This act to be in force from and after its passage.

CHAPTER IV.

An Act to incorporate the Trustees of the Indiana Asbury University.

(APPROVED JANUARY 10, 1837.)

WHERBAS, it has been represented to the present General Assembly of the State of Indiana, that the Indiana Annual Conference, of the Methodist Episcopal Church have determined upon establishing an extensive university or college institution, in this State, to the support of which they are pledged to use their united efforts; and which university is forever to be conducted on the most liberal principles, accessible to all religious denominations, and designed for the benefit of our citizens in general. And whereas it has been represented that in consequence of liberal subscriptions and donations made in the town and vicinity of Greencastle, the healthfulness of the situation, and eligibility of the location for the convenience of a public institution, the Indiana Conference have selected that place for the establishment of said university; and whereas, such a university in the State of Indiana, if conducted upon free and enlightened principles, would be of immense benefit to our citizens generally, by disseminating knowledge and useful literature. Therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That a seminary of learning shall be, and the same is hereby established in the town or vicinity of Greencastle, in Putnam county and State of Indiana, to be known by the name and style of "The Indiana Asbury University," which shall be founded and maintained forever, upon a plan the most suitable for the benefit of the youth of every class of citizens, and of every religious denomination, who shall be freely admitted to equal advantages and privileges of education, and to all the literary honors of said university, according to their merit, under the direction of twentyfive trustees, to wit: Robert R. Roberts, John Cowgill, A. C. Stevenson, William H. Thornburgh, William Talbott, Rees Hardesty, Joseph Crow, John W. Osborn, Thomas Robison, Hiram E. Talbott, James Montgomery, Daniel Sigler, Isaac Matkins, Tarwin W. Cowgill, William Lee, William K. Cooper, Calvin Fletcher, Gamaliel Taylor, Martin M. Ray, Isaac C. Elston, S. E. Leonard, W. W. Hitt, Joseph A. Wright, Tilman A. Howard, and Jacob Hayes, who, with their successors, shall be Trustees of said institution, and shall hold their first meeting at the place of its location, on the first Wednesday of March, 1837.

SEC. 2. That the said trustees and their successors, by the name of "The Trustees of the Indiana Asbury University," shall be a body politic and corporate; and as such forever to exist: and are hereby made able and capable in law, to have, possess, purchase, receive, enjoy, and retain, hold or dispose of, for the use of said university, lands, tenements and annuities, and other hereditaments in fee simple, or for a term of years, life, lives, or otherwise; and also money, bonds, bills, notes, goods, chattels, interests or effects, of whatever nature, quality or kind soever; by the

gift, bargain, sale or devise of any person or persons, body politic or corporate, capable of making the same; and the same to grant, demise, sell, alien and confirm, in such manner as they shall judge most conducive to the interests of said university. This corporation shall not hold a greater amount of real estate, (exclusive of college edifices,) than the value of fifty thousand dollars.

SEC. 3. That the said trustees and their successors, by the name and style of "The Trustees of the Indiana Asbury University," as aloresaid, shall be capable in law to sue and be sued, plead and be impleaded, in any court or courts of record, before any judge, judges or justices within this State, and elsewhere, in all manner of suits, complaints, pleas, causes, matters and demands, of whatsoever kind, nature or form they may be; and all and every other matter, nature and thing therein to do, in as full and effectual a manner, as any person or persons, bodies politic

or corporate, of like nature, within this State, may or can do.

Sec. 4. That the Indiana Annual Conference, or such other conference or conferences as may be formed out of the same, by the consert of the Indiana Conference, shall fill all vacancies in the board of trustees as may occur by death, resignation or otherwise, at the first meeting of such conference or conferences, after any vacancy may happen; thus keeping up the full number of twenty five trustees forever. And the said first named conference, or such other conference as may be associated with it by its assent, shall, annually appoint any number of visitors not exceeding nine, who, or so many as shall convene with the board of trustees, shall constitute a joint board, in the permanent appointments of all officers of the said University. And whenever any trustee shall be absent from three stated semi-annual meetings, without good cause assigned at the fourth; or whenever a majority of all the trustees shall declare any one of their body incompetent, for want of moral character; the board of trustees shall declare their seats vacant, and shall thereafter make a temporary appointment to fill the vacancy, until the meeting of the next annual conference, which shall then fill the same as aforesaid. And the visitors, or so many of them as shall act, shall report to the con. ference next succeeding their appointment, the condition of the university, and whether it is conducted in conformity with its charter. And at the time of the admission of any conference to the participation in the appointments aforesaid, the Indiana Conference, and such other conference as it may assent to associate with, shall divide the appointing power of visitors and trustees in such nanner as they may mutually agree upon.

SEC. 5. That the said trustees of the Indiana Asbury University, before entering upon the trust reposed in them, shall severally take the following oath of office, to be administered to them by any justice of the peace in the State of Indiana, that is to say: I, [A.B.] do solemnly swear, (or affirm) that I will to the best of my skill and judgment, faithfully and truly discharge the duties of a trustee of the Indiana University, pursuant to the laws and constitution of the State of Indiana, the constitution of the United States, and the charter granted by the State of Iudiana, establishing said university, without favor, affection or partiality, so help me God. And the said trustees shall have power to appoint, annually, from

their own body, a president of the board, a treasurer and a secretary; and the treasurer, so appointed shall give bond, with such security, and in such penalty as the trustees shall think proper, payable to the State of Indiana, for the use of said university; which bond, shall by the treasurer and his securities be acknowledged, before the clerk of the circuit court of Putnam county, and by him certified and recorded in his office; a copy of which shall be evidence in any suit against such treasurer and his securities, for a breach thereof; and it shall be conditioned for the true and faithful discharge of his duty as treasurer of said university, and for the safe keeping of all moneys, bonds, notes, deeds, mortgages, trusts or other property belonging to the institution, or which shall be put into, or from time to time come to his hands; which bond may be renewed whenever the said trustees shall require it. And it shall he the duty of said treasurer, to receive and safely keep, all moneys, bonds, notes, obligations or conveyances of real, personal or mixed property, belonging to said university, and shall not pay out any of said moneys, except upon the order of the president, counter-signed by the secretary; and for any breach of said bond, the treasurer and securities may be proceeded against as upon other official bonds, in the proper courts in the State of Indiana. The said treasurer shall, moreover, once in every year, and as much ofteneras the trustees may require, render to them an account of all moneys in his hands, and all moneys by him paid out; stating from whom or what source received, and to whom paid. And in case the treasurer shall fail or refuse to perform any of the duties required of him by this act, the trustees of said university shall have power to declare his office vacant, and proceed to the election of a treasurer to fill the vacancy. And it shall be the duty of every treasurer, on leaving the office, by removal, resignation, or otherwise, upon the order of the board, signed and countersigned as aforesaid, to pay and deliver over, all moneys and other property in his hands, belonging to said university, into the hands of his successor in office. And it shall be the duty of the secretary, to keep a fair record of all the proceedings of the board of trustees; and at the close of every session lay them before the president for his signature, and to do and perform all other acts, which by this charter may be required of him. And it shall be the duty of the president of the board, to preside in all their meetings, when present, and to perform all the duties which are usually performed by the presiding officers in all similar bodies; and in case of his absence at the time of any meeting of the board, it shall be the duty of the trustees to appoint a president pro tem.

Sec. 6. That the said trustees, and their successors shall have authority to make and use a common seal, with such devices and inscriptions as they shall think proper, and the same to change, alter and renew, at pleasure; and shall also, at any regular meeting of the board, when one or more of the visitors shall be present, from time to time, forever hereafter, have full power and authority, to constitute and appoint permanently, in such manner as they shall deem expedient, a president of the university or college of faculties, together with such professors, and other instructors as may at any time be necessary to form an efficient faculty, for the proper instruction of students in the arts and sciences, in the learned profes-

ions, and in all the branches of liberal and professional instruction, as aught in the best universities in our country. And the said president and professors, with such other instructors as may, by the trustees be inluded, shall be known and distinguished by the name of "The Faculty of the Indiana Asbury University" And in that name, shall be capable of exercising such powers and authorities, rights and privileges in the intitution, as shall be delegated to them according to the by laws enacted by the trustees; and the said board of trustees, may at any meeting make temporary appointment of any of the foregoing faculty, in the absence of such visitor or visitors, until a regular meeting, at which one or more of such visitors may be present. And a majority of the said twenty-five rustees, together with a majority of the said nine visitors, may, at any ime, in joint meeting, by resolution to that effect, declare the appoint nent or office of any of the faculty or instructors vacant, and proceed to ill such vacancy, at such joint meeting, or any future meeting they may lesignate.

SEC. 7. That the said trustees and their successors in office, shall meet it least twice in every year in stated semi annual meetings, to be appointed by their own ordinances, and at such other times as by their said ordinances they shall direct, for the purpose of transacting such business for the prosperity and welfare of the institution as may come before them; in all which meetings nine trustees being present shall constitute a quorum for transacting business. But a majority of said twenty-five trustees shall be required, to make, pass and establish ordinances, rules and by laws, not contrary to the constitution and laws of this State, for the government of said University, and the proper education of its students, and by them to delegate to the president, professors and other teachers, such powers and authorities as they may judge expedient for the government of the institution. And the said majority of trustees shall also have power, at any legal meeting, to alter or annul any rules or regulations by them established; and to do all matters and things which they may deem expedient for the faithful fulfilment of their trust.

Sec. 8. That the said trustees and their successors, shall have authoriy, whenever in their opinion the funds of the institution will justify the neasure, to admit, gratuitously, in whole, or in part, as the respective ases may require, such person or persons as they may think proper to injoy the benefits of tuition in said University. And said trustees are iereby authorised to receive subscriptions, donations and bequests, eiher in money, personal, real, or mixed property, for the purpose of enaling them to meet the expenditures requisite in establishing and conting ing said institution.

Sec. 9. That for the purpose of stimulating and encouraging the stulents in their progress, and promoting the general interests of the instiution, the said trustees and faculties shall have full power and authoris y, once in every year, or oftener, as they by an ordinance shall direct, to iold a public commencement, with exercises suited to the occasion, and o graduate with literary honors, such students as shall, from time to ime, be found to have merited the same, by their character and acquirements. And said trustees and faculty shall have power and authority. in furtherance of the aforesaid objects, to confer upon the deserving any and all degrees in the arts, and in the learned professions, whether honorary or otherwise, in as full and ample a manner, as in any similar insititution; and may issue, when they deem it expedient, testimonies or diplomas, bearing the seal of said University, as certificates of the same, sgned by the president of the University. It shall also be the duty of the faculty, prior to each commencement, to hold a public examination, in presence of such trustees as may be able to attend, and of other citizens. at which time, all the students of said University shall be examined in the several branches of learning which they have respectively studied; that the fidelity of the teachers, and the diligence of their pupils may ap-

SEC. 10. This act is hereby declared to be a public act, and shall be construed liberally, for every beneficial purpose, hereby intended; and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same, nor shall any gift, grant, conveyance or devise, to or for the benefit of the corporation, be defeated or prejudiced by any misnomer, misdescription or informality whatever: Provided, That the intention of the parties can be shown or ascertained beyond reasonable

doubt.

SEC. 11. The State hereby reserves the right, at the session of the Legislature for the years 1846 and 7, and 1847 and 8, and every tenth session after either of those sessions, to alter or amend this charter: Provided, however, No amendment shall ever be made, to change the fundamental principles upon which this institution is established.

This act to take effect and be in force from and after its publication in the "Western Plough Boy," a newspaper published in Greencastle, Put-

nam county.

CHAPTER V.

An Act to incorporate the Carroll County Seminary.

[APPROVED JANUARY 27, 1837.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William George, James H. Stewart, Samuel Grimes, James P. Dugan, James B. Livermore, Lewis Johnson, George Sanderson, Isom Adkins, John Lennon, William Wyatt, Daniel F. Vandeventer, James McCully, Hugh Graham, William Hants, Samuel Moore, William Aldridge, and Thomas Starlin, and their successors in office, as herein provided for, are hereby constituted a body politic and corporate, by the name and style of "The Trustees of the Carroll County Seminary," with power to sue and be sued, plead and be impleaded, contract and be contracted with, take and hold estate, real, personal, and mixed by gift, grant, contract, devise, bequest or otherwise, to have perpetual succession, and a common scal.

SEC. 3. At the session of the board of county commissioners, next preceding the first Monday in November, 1838. It shall be the duty of said board to appoint a seminary trustee, for each township in said county of Carroll; Provided, that the county commissioners may, if they deem it expedient, order said trustees to be elected in each township, in said county, under the same regulations and restrictions, (as are provided for the election of justices of the peace,) and three for the town of Delphi, in addition thereto; who shall, before they enter upon the duties of their offices, respectively take an oath before some person duly authorized to administer the same, faithfully to discharge the duties as such seminary trustee; and such trustees, so appointed and qualified, shall be the trustees of the Carroll County Seminary, and the successors of the trustees appointed by the first section of this act.

SEC. 4. The board of county commissioners, upon the appointment of trustees, as provided in the third section of this act, shall divide them into four clases, as nearly equal as may be, and determine their numbers by lot, and make a record thereof; and the first class shall serve four years, the second three, the third two, and the fourth one year, and in every instance until their successors shall be duly appointed and qualified. And the board of county commissioners shall, at their session next preceding the first Monday in November, in each succeeding year, appoint a number of trustees, corresponding to the number whose term of service will expire, in such year; and the trustees so appointed, shall hold their offices for the period of four years, and until their successors shall be chosen and qualified.

SEC. 5. The trustees shall hold their meetings at such times and places as to them may seem proper; and the number of five shall constitute a quorum to do business.

SEC. 6. They shall elect a president, secretary, and treasurer, from their own body, to continue in office during the pleasure of the board of trustees, or until the expiration of the period for which they may have been elected trustees of the seminary.

SEC. 7. The treasurer, before he enters upon the duties of his office, shall execute a bond with sufficient surety, to be approved by the board of trustees, payable to the State of Indiana, for the use and benefit of the Carroll County Seminary, in a penal sum not exceeding double the amount of funds, notes and debts that may probably come into his hands, as such treasurer, conditioned for the faithful performance of his duties, and for the delivery to his successors in office, of all moneys, bonds, bills, notes, books, papers, and all other things, which may have come to his possession, as treasurer of said board of trustees.

SEC. 8. The treasurer after he shall have been so appointed and qualified, shall have power, and it shall be his duty to demand and receive of, all persons, having moneys in their hands belonging to the seminary fund of Carroll county all such moneys, and his receipt shall be a sufficient voucher therefor; and for all such moneys as shall not be paid over

on demand, and for all sums that shall, from time to time be recovered by any person whatsoever, for the benefit of said county seminary, the said board of trustees may sue in their corporate capacity, and name, before any court having competent jurisdiction.

SEC. 9. The secretary shall keep in a well bound book, to be procured for the purpose, an exact record of all the proceedings of the board, embiacing all orders for the payment of money, and all other orders of any nature or kind whatever, relating to the said corporation, or the business thereof.

SEC. 10. The treasurer shall keep a just account of all moneys received by him, in a book to be kept for the purpose, and of all moneys paid out, and on what account, and render an account of the receipts and expenditures of the Corporation, to the board of trustees, or to the president thereof, at least ten days preceding such annual choice of trustees, and each account shall be laid before the board of county commissioners, at the session at which the choice of trustees shall take place, and be filed by the clerk of the county amongst the papers of his office.

SEC. 11. No money shall be paid out by the treasurer except upon the order of the board; a copy of which shall be made out, signed by the president, and counter signed by the secretary.

SEC. 12. The board of trustees, after they shall have met, and organized according to the provisions of this act, shall have power to select a site within the town of Delphi, or in the immediate vicinity thereof, wherein to erect a county seminary, or if approved by them, shall cause said seminary to be erected on the fractional block heretofore set apart for that purpose, in Delphi; and procure a title to said block by deed of gift from the county commissioners, who are hereby authorized to make the same as from individuals by gift or contract; and when such site shall be procured, the trustees shall cause to be creeted thereon, so soon as circumstances will permit, a building of such materials, construction and dimensions as to them may seem necessary, to answer the purpose of a county seminary for said county of Carroll.

SEC. 13. Should the seminary funds on hand, or that which may be obtained by gift or donation, not be sufficient for the completion of a proper seminary building, the trustees shall have power to borrow money on the faith of the seminary fund, redeemable from time to time, as money belonging to or accruing to the said fund may be received, at an interest not exceeding six per cent. per annum.

SEC. 11. The board of trustees shall have power from time to time, to make such by laws, ordinances and regulations, not inconsistent with the constitution and laws of this State, or the United States, as they may deem advisable, for the good government of said seminary, the students, professors or teachers thereof; the same to put in execution, repeal or amend, as to them may seem proper.

SEC. 15. In all cases where it may appear to the president or any three trustees, that a meeting of the board of trustees should be held, otherwise than an adjournment, it shall be the duty of the president to give notice to each trustee, of the time and place of such meeting.

SEC. 16. The trustees shall have power to employ teachers, fix the

rates of fullion and prescribe the course of instruction; but not so as to exclude any breach of education; but no part of the seminary funds shall be taken to defray the expenses incurred in the employment of teachers, until all the necessary buildings are completed. And it shall be the duty of the board of trustees, so soon as said buildings are completed, to set apart a portion of the funds accruing for the purpose of procuring a library for the institution.

Sec. 17. Whenever, from any cause, vacancies may occur in the board of trustees, they shall have power to fill the same by appointment of suitable persons within the proper townships, or within the town of Delphi, (as the case may be,) wherever the vacancies may happen; and such trustees, so appointed, shall hold their offices until their places shall be regularly filled by the board of county commissioners, as herein before

prescribed.

Sec. 18. The board may from time to time, allow the secretary and treasurer such compensation for their services as they may deem just and

reasonable.

SEC. 19. In all cases where money, belonging to the seminary fund of said county, shall have been, or may hereafter be received by any clerk, sheriff, justice of the peace, or other public officer, who shall have given bond and security for the faithful performance of his duties, it shall be lawful for the board of trustees to sue such officer therefor in their corporate name, or institute suit on such bond against the principal and securities at their election.

SEC. 20. This act shall be considered a public act, and be liberally construed for all beneficial purposes, and shall take effect and be in force

from and after its passage.

CHAPTER VI.

An act to authorise Ezra Baker to build a mill dam near Coffee Island on the Wabash River.

(APPROVED DECEMBER 30, 1836.)

SEC. 1.Be it enacted by the General Assembly of the State of Indiana That Ezra Baker Jr. of Wabash County Illinois, be and he is hereby authorised on the part of the state of Indiana, to erect and build a mill dam across that branch, or portion of the Great Wabash River running on the west side of Coffee Island next to the Illinois shore, to begin and run as follows to wit: At or near the foot of the ripple on fractional section fourteen, Township two, south of Range thirteen west, on the Illinois side, thence by the lower Island to the foot of the main Coffee Island, said dam to be of a height corresponding with the level of the pool which will be raised by the contemplated improvement at the head of Coffee Island as reported by Edward Smith the Engineer of the Commissioners of the fund appropriated by Illinois and Indiana, to improve the navigation of the Wabash River:

SEC. 2. That the said Ezra Baker be, and he is hereby authorised to take out either through a race, or forebay, at or above said dam, a sufficient quantity of water to propel any mills or machinery he may think proper to establish, at or near said dam, provided however, that the quantity of water so taken out of said river shall not prejudice the navigation thereof by reducing the channel below three feet.

SEC. 3. That the privileges and immunities hereby granted to the said Ezra Baker Jr. shall descend to his heirs and be held and enjoyed by them

for the term of fifty years and no longer.

SEC. 4. If the State of Indiana in conjunction with the state of Illinois or if either separately by consent of the other, find it necessary for the improvement of navigation of the Wabash river, no privilege hereby granted shall in any manner prevent the above mentioned states acting in conjunction, or either separately, with the consent of the other from erecting and constructing any other dam or structure or from removing said dam or part thereof, or removing any obstruction connected therewith, or arising therefrom.

This act to be in force from and after its passage.

CHAPTER VII.

An Act to incorporate the Peru Collegiate Institute.

(APPROVED, JANUARY 7, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That William M. Reyburn, Jesse L. Williams, Stewart Forgy, Albert Cole, Richard L. Britton, Samuel Newberry, Jr. William Polke, Adrian Wynkoop, Samuel Hanna, Alexander Wilson, William N. Hood, Hugh Hanna, J. B. Fulwiller, Dr. Alfred Keiser, M. M. Post, Samuel Candler, and their successors in office be, and they are hereby constituted, and declared to be a body corporate and politic, by the name and style of the "Peru Collegiate Institute," and by that name they shall be in perpetual succession. This body corporate or board of trustees, shall have power to appoint a faculty in said collegiate institute, consisting of a president, professors and tutors, as the necessities of the institution may demand; and the faculty so appointed by and with the approbation of the board of trustees, shall have power to grant and confer such degrees, in the liberal arts and sciences, as are usually granted and conferred in other colleges in the U. S.: Provided however, That no degree shall be conferred, or diplomas granted, except to students who have acquired the same proficiency in the liberal arts and sciences, as is customary in the Colleges of the United States. The board of trustees shall also have power to contract and be contracted with, to acquire, hold, employ and transfer property, real or personal, in their corporate capacity, to make, have and use a common seal, and the same to alter at pleasure, to sue and be sued, plead and be impleaded in any court of law or equity, to receive and accept of any gift, grant,

donation bequest or conveyance, by any person, company or corporation, of any property real or personal, and to hold and enjoy and dispose of the same as may be deemed best for the interest of said collegiate institute, to make, ordain, establish and execute such by-laws, rules and ordinances not inconsistent with the Constitution and laws of the United States, or of this State, as they shall deem necessary for the welfare of said institution, and to do all other acts in pursuance thereof necessary for the prosperity of said

collegiate institution: Provided, it shall not be lawful for said corporation to hold or be the owner of real estate, exclusive of improvements exceeding in value, twenty thousand dollars, and if by donation, devise or otherwise, it should become the legal and equitable owner of real estate, of greater value, the same shall be sold by said corporation, so soon as the value of said donation can be obtained; and that no parti-

cular religious sect or particular persons, shall have preference in their

admisions to the privileges of this institution.

SEC. 2. The following shall be the fundamental laws of said institution, to wit: the board shall never consist of more than sixteen members, of whom six, when regularly convened, shall constitute a quorum for the transaction of business. The board shall, at their first meeting, after the act of incorporation, divide themselves into four equal clases, the first of which shall go out of office at the close of the first year, and the vacancies be filled by a new election, the second at the close of the second year in like manner, the third at the close of the third year, and the fourth at the close of the fourth year and the vacancies be filled by new elections immediately, so that ever afterwards one-fourth of the board shall annually go out of office, and the vacancies filled at annual elections by the existing board of trustees. The board shall also have power, at any of their meetings, to fill vacancies which may occur in their body by death, resignation or removal. Their elections shall all be by ballot. The first meeting of the board shall be at Peru, the third Wednesday of March, eighteen hundred and thirty-seven; and the annual election for trustees shall be at such time in the month of March, and at such place as may be agreed upon by the board, at each preceding meeting.

SEC. 3. The board of trustees shall make it one of their first objects, and at present the most prominent object in their efforts to promote literature, to provide the means for conducting an English scientific department in the institution; with special reference to the qualification of teachers of common schools, and provide means for a department especially designed for the education of females, in all the branches of learning usually taught in female seminaries in the United States; which department shall be denominated "The Peru Female Seminary;" and further, the board shall make provisions for a primary department for the younger class of students, of both sexes, and also shall make provisions for a preparatory department for entering said collegiate institution, so

long as such department may be found necessary.

SEC. 4. This act is declared to be a public act and the same shall be construed favorably for every beneficial purpose therein intended.

This act to be in force from and after its passage, and continue in force for the term of fifty years,

CHAPTER VIII.

An act for the formation of Pleasant Run School District, in Carroll County.

(APPRO VED, JANUARY 27, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of Congressional Township twenty five, Range two west, as lies west of the Wabash river; and so much of Congressional township twenty five Range three west, as is included in the following. bounds, viz: beginning at the north west corner of said Township, thence west, one and a half miles, to the centre of section two; thence south three miles, to the section line dividing sections thirteen and twenty four; thence east with said line, to the Range line dividing Ranges two and three; thence with said line, to the place of beginning, shall form a school district, to be known as the Pleasant Run School District, subject however, to the approval of the Townships from which the same is taken.

SEC. 2. The written approval of the school trustees of Congressional Township twenty five, ranges two and three west, having been obtained; which approval shall be kept as a matter of record by the said school district hereby created, the inhabitants within the above designated bounds, shall thenceforth be entitled to all the benefits and privileges guaranteed to these school districts by the act entitled "An act incorporating Congressional Townships and providing for public schools therein and

the acts amendatory thereto.

SEC. 3. Pleasant Run school district shall be entitled to draw the proper ratable proportional share of the school funds from the trustees of the Congressional Townships respectively, from which said district is taken agreeably to the number of schools and amount of tuition that they would be entitled to, if the district was constituted in the ordinary way.

This act to be in force from and after its publication in the Delphi

Oracle and Western Banner, or otherwise published in prints.

CHAPTER IX.

An act to revive and continue in force an act entitled "An act to incorporate the town of Rome, in Perry County, (approved Feb. 1, 1836)

(APPROVED, JANUARY 21, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the act entitled "An act to incorporate the town of Rome, in Perry county," (Approved February 1st, 1836,) be and the same is hereby revived and continued in force, and that the trustees named in the said act or a majority of them are hereby authorised to meet on the first Monday in March next or any subsequent day they may agree upon for that purpose, and proceed in the performance of the several duties enjoined upon them by this act.

This act to take effect and be in force from and after its passage.

CHAPTER X.

An act to repeal a part of the Crawfordsville, Covington, and Illinois Rail Road Charter.

(APPROVED, JANUARY 21, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the thirty ninth section of an act entitled "An act to incorporate the Crawfordsville, Covington, and Illinois Rail Road Company, be and the same is hereby repealed, the incorporation consenting thereto.

This act to be in force from and after its passage.

CHAPTER XI.

An act to incorporate the town of Bloomfield.

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted, by the General Assembly of the State of Indians, That the President and trustees of the town of Bloomfield, shall be, and the same are hereby declared a body corporate, and politic, by the name and style of "the President and trustees of the town of Bloomfield," and by that corporate name shall be able and capable in law and equity to sue and be sued, plead and be impleaded answer and be answered unto, defend and be defended, in any court of competent jurisdiction, to make use and have a common seal, and the same to break, alter and amend at pleasure, to ordain, establish and put into execution, by-laws, rules and regulations, as they shall deem prope rand necessary for the police and good government of the town hereby incorporated, subject to the restrictions, limitations and provisions herein, after provided, not inconsistent with the laws and constitution of this state, and of the United States.

SEC. 2. The said president and trustees shall have power to lay off said town into three wards, and on the first Monday of June one thousand eight hundred and thirty nine, and annually thereafter, there shall be an election held at the court house, or some other convenient place in said town, to elect by ballot six trustees, the electors of each ward voting distinctly and separately for two trustees from their several wards; at which election each white male citizen of said town, sane, and not a pawper, being twenty one years of age and upwards, who shall have the qualifications of a voter for state officers, and shall have resided within the bounds of said corporation for six months next preceeding such election, shall be entitled to vote at said election, twenty days notice of which election shall be given, the President and Trustees, by publishing the same in a newspaper printed in said town (if there is one) or otherwise by posting notices thereof in three of the most public places in said town.

SEC. 3. The president of said corporation shall act as the inspector of the elections-he shall call to his assistance two other qualified electors, who with himself shall be judges of the elections; they shall appoint a clerk. And having taken an oath or affirmation faithfully to discharge their duties as judges and clerk, shall proceed to receive votes for trustees, between the hours of ten o'clock, A. M., and four o'clock, P. M. on said day. Provided however, That if the president should not be present, the qualified electors shall in that case choose one to act in his place at such election. And provided also, That if the electors should fail to meet and elect trustees at any annual election, the corporation thereby shall not be dissolved, but the trustees then in office shall continue until others are elected at an annual meeting of the electors. It shall be the duty of the judges of such election to certify under their hands and seals, the names of the six persons who shall have received the highest number of votes, designating therein the ward they are elected to represent, which certificate shall be filed and spread on the record book of said corporation, by their clerk, whose duty it shall be to deliver a copy thereof to each of the six persons returned, which certificate shall be sufficient authority for such person to take his seat as a trustee.

SEC. 4. The trustees so elected, or a majority of them, shall meet, and after taking an oath or affirmation, faithfully, diligently and impartially to discharge their duties as trustees, shall elect one of their own body to preside as president at their meetings, but in case of his absence a president pro tem. may be appointed. No person shall be eligible to the office of trustee, unless he be a qualified elector and freeholder within the bounds of said corporation. When vacancies happen by death, resignation, or otherwise, such vacancies shall be filled by appointment of the president and trustees, until the next annual election. A majority of said trustees shall at all times form a quorum; they shall meet on their adjournments; shall appoint all the officers necessary to carry into effect the provisions of this act and shall make to them such compensation for their services, as shall appear to them just and reasonable. And it shall be the duty of the president to sign the records of all their by laws and journals, or minutes of their proceedings, which shall also be tested by the clerk of said corporation, and after a copy thereof, of a public nature, attested by the clerk with the seal of said corporation, shall be published as provided in the second section of this act for the election of trustees; such laws and ordinances shall be deemed to be in full force and effect; all others to be in force from and after their passage and signed as aforesaid.

SEC. 5. At the first meeting of the president and trustees after their election in each year, or as soon thereafter as may be convenient; they shall proceed to elect a clerk, treasurer, assessor, and marshal, each of whom shall serve one year, and until their successors shall be chosen and qualified. They shall possess the same qualifications as trustees, take similar oaths and give bond and security, payable to the president and trustees, conditioned for the faithful discharge of their duties respectively, and on failure to perform all or any part of the conditions of said

bonds, they shall be liable to pay to the president and trustees the full amount in arrear, together with full costs and ten per cent. damages thereon; and six per cent. per annum on the whole amount recovered, from the time the same should have been paid over until the day of payment; all of which may be recovered on motion made in the circuit court, ten days previous notice having been given of such intended motion; and for all which said court is required to render judgment against such officer, unless he show cause satisfactory to said court, why judgment should not be rendered against him; and upon which judgment execution may issue returnable in thirty days from the date thereof, without any stay on the same; or on failure to perform all or any part of the conditions of said bonds, the principals and the securities, or any two or more, or either of them shall be proceeded against by suit in said court, upon his official bond, judgment be had thereupon for the debt, interest, damages and costs, above mentioned, upon which execution shall issue returnable as aforesaid.

SEC. 6. The president and trustees shall have full power and authority to assess and collect from each male individual resident within said corporation, of full age, (the same not a pauper,) any sum not exceeding fifty cents in each year, as a poll tax, and also a tax on real property not to exceed one half per cent. on its valuation, exclusive of improvements; and also on all shows and exhibitions or amusements, which may be exhibited or performed for gain, a tax not more than ten dollars, not less than five dollars for each performance or exhibition thereof. And in assessing and collecting the annual revenue under the direction of the president and trustees, all assessors and collectors shall, in all respects be governed by the laws which now are or may hereafter be in force, regulating the assessment and collection of the State and county revenue; except that the marshal shall make his return of the precept for the collection of the annual revenue to the president and trustees.

SEC. 7. It shall be the duty of the marshal to serve all process and orders, directed to him by the president, except he shall be absent, sick, or interested in the same; in which case it shall be the duty of the president to name some fit person for that occasion, who shall have the same power as the marshal in like cases, and to collect all taxes according to the duplicate of the assessment roll. In the service of such process, and in the collection of taxes, whether by distress, sale, or otherwise, the marshal shall be governed by the same rules and regulations as sheriffs, collectors and constables are directed to observe in similar cases, and in all cases of distress and sale by the marshal, of the real or personal property, on process directed to him by the president for the collection of taxes; such sale shall be valid in law and equity, as if the same had been made by a sheriff, collector or constable. And all certificates and deeds given for the sale of real estate, shall be as binding as if the same had been made by a sheriff or collector and redeemable in like manner.

SEC. 8. The president and trustees shall, when they think it expedient, to graduate and pave as many streets, roads and alleys as they may deem proper in said corporation for the public benefit and at the public expense, they shall also at any time have power to assess if necessary a

special tax for the improvement of any street, side walk or section thereof which may have been made by their order and direction as hereinafter provided for

SEC. 9. That wherever any owners of lots on any street or section of street shall be desirous of making any improvement on the same by gradnating, grading or paying said street or side walk thereof, or any other improvements, and two thirds of the resident owners of lots on said street or section of street, by themselves or agents representing two thirds of the whole number of feet owned by resident owners on such street or section of street. shall, by petition, represent plainly and distinctly the improvement wanted or contemplated to be made, it shall be the duty of the corporation to cause the same to be done in the best and most economical manner agreeably to the wish of the petitioners; and the expense of such improvement shall be assessed and levied on all the lots fronting said street or section of street equally per foot front, for the distance of such improvement may be intended to extend, which assessment and levy from the time of making the same shall be and remain a lien upon said lot or lots, until the amount so levied shall be fully paid and discharged. It shall be the duty of the clerk of the corporation to enter said petition on record with the petitioner's names, the number of feet front, owned or represented by each, and make out and deliver to the marshal of said corporation a list of the owner's names, the number of feet front owned by each individual, the rate of expense on said lot for such imprevement, and the whole amount levied and assessed on each lot or fraction of lot; which list signed by the president and certified by the clerk shall be sufficient authority for said marshal to proceed to collect the same, and if the owner or agent of any lot, or part of lot, shall neglect or refuse to pay the amount so assessed and levied within three months after such levy, the marshal proceed to collect the same by sale of such lot or fraction, or so much thereof, as will pay the amount so levied. And in such sale he shall in all respects be governed by the sixth section of this act; and the right of redemption shall be the same as is provided in the seventh section of this law. Provided however, That nothing in this section contained, shall be so construed, as to prohibit the president and trustees from appointing the days of sale of lots for taxes levied by virtue of this section.

Sec. 10. The president and trustees shall also have power to make and enforce all necessary by-laws, ordinances and regulations, to preserve order, regulate and establish markets, to procure the necessary engines and aparatus, guard against destruction by fire, organize fire companies, preserve public property, to prevent public nuisances, and remove the same, and to declare what shall be a public nuisance, and for this as well as all other purposes whatever, may extend their jurisdiction one half mile beyond the limits of said town.

SEC. 11. The bounds of said corporation shall extend from the extreme western street in said town to the extreme eastern alley of the same, and from the south, from the line dividing the lands of Moses Rittea and Ruel Learned, on the south of said town; north, to Freeland's and Milome's line. And the president and trustees from time to time shall have power

to extend the limits of said corporation so as to include all such donations, grants and additions, as may here be made to said town.

SEC. 12. Whenever a majority of the resident owners of two or more lots lying together and adjoining the corporation shall petition or consent thereto, the said lots shall be considered and held to be subject to the same taxes and assessments as the in-lots, and form a part of said corporation; and the persons residing thereon shall be entitled to all the privileges which are now or may hereafter be enjoyed by the citizens of said town.

SEC. 13. That Ruel Learned shall be president of said corporation: and William Shryer, James H. Hicks, John C. Brown, Moses Ritter, and Stephen Lockwood shall be trustees of said corporation, until the time herein specified for holding said annual election in the second section of this act mentioned and until their successors are elected and qualified.

SEC. 14. The president and trustees shall have the same power to issue under the seal of the president and trustees, and the marshal to serve process in any manner relating to any violations of the laws and ordinances of the president and trustees, and to carry the same into as full effect, for any violation thereof, as justices of the peace and constables have now or hereafter may have to carry into effect any process issued by virtue of any law of this State; and shall be entitled to receive and authorize, to demand and collect the same fees that are or shall be allowed to justices of the peace and constables, for performing similar services; and the president, when officiating as authorized in this section, shall keep a record of his proceedings; which record, or a copy thereof certified by him with his private seal, duly attested, shall he evidenced in any court.

SEC. 15. It shall be the duty of the jailor of Green county to receive into his custody any prisoner or prisoners who may from time to time be committed to his charge under the authority of said president; and to safely keep such prisoner or prisoners, according to the precept or warrant of commitment until he, she, or they shall be discharged by duc

course of law.

SEC. 16. The marshal shall be the collector of all the levies of said corporation of what nature soever; he shall be a peace officer and it shall be his duty to report to the president, all violations and infractions of any of the penal regulations of the corporation which may come to his

knowledge.

SEC. 17. The annual assessors shall at or before the first meeting, in May make out a correct roll of the names of all the persons and property, (or the species thereof) assessed and arranged in alphabetical order, and deliver the same to said pesident and trustees; if in session or to their clerk in the recess; and said clerk shall within ten days after such meeting make out and deliver to the marshal a copy thereof, with the amount of taxes annexed to each person's name respectively and also a precept in the name of the president and trustees, authorising him to proceed in the collection of the same, in the same manner as collectors of the state and county revenue are directed to proceed by virtue of precept issued and directed to them by the clerk of the circuit court,

Sec. 18. It shall not be lawful of any person or persons within the said bounds of the corporation to sell by a less quantity than one quart at a time, any spirituous liquors foreign or domestic, or keep what is commonly called a tippling house; unless such person or persons shall in addition to a license obtained from the board of county commissioners, obtain a license from the corporation who is hereby authorised to grant the same to such applicant for one year, on his, her, or their paying into the the treasury of the corparation a sum not exceeding twenty five nor less than five dollars, at the discretion of the corporation. And if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house contrary to the provisions of this act. he, she, or they, so offending shall upon conviction thereof, be fined in any sum not exceeding fifty, nor less than five dollars, for the use of the county seminary of said county. And for the better regulation, peace and good government of the town, the said corporation is hereby authorised to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting or whatever may detract from the peace and good order of society.

This act to take effect and be in force trom and after its passage and publication in the Olive Branch a newspaper printed in the town of

Bloomfield.

CHAPTER XIII.

An act authorising the board doing county business in the county of Dearborn to levy a tax on the ad valorem system for the purpose of improving roads and building bridges.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board doing county business in and for the county of Dearborn be, and they are hereby authorised to annually levy a tax and collect the same, in the usual manner on the ad valorem system, for the exclusive purpose of improving roads and building bridges, in said county, as hereinafter provided.

SEC. 2. That when a majority of the freeholders of any one road district shall petition said county board to levy a tax for said road district that it shall be the duty of said board, to grant the prayer of said petitioner, provided however in the levy of said tax, said board shall not exceed twenty five cents on the one hundred dollars worth of property liable to

taxation, in said road district.

SEC. 3. That the said board shall appoint a supervisor for such road district as shall make application as provided for in the second section of this act who shall have the same powers as are now given to supervisors of said road district by law.

This act to be in force from and after its passage.

CHAPTER XIV.

An act to amend an act entitled "an act to incorporate the town of Indianapolis," (Approved February 5, 1836.)

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted, by the General Assembly of the State of Indiana, That the town of Indianapolis shall be, and it is hereby divided into five wards, to wit: The first ward shall include all that part of said town which lies east of Alabama street.

The second, shall include all that part of said town between Alabama

and Pennnsylvania streets.

The third ward, shall include all that part of said town between Pennsylvania and Meridian streets.

The fourth ward shall include all that part of said town, which lies

between Meridian and Tennessee streets.

The fifth ward, shall, include all that part of said town which lies west of Tennessee street, provided however, That the board of Trustees of said corporation, may at any regular meeting thereof, if they deem it necessary, alter or make additional wards in said town, in which case such additional wards shall each be entitled to one trustee as hereinafter provided, for the five wards the boundaries of which are described in this section.

SEC. 2. On the first Monday in April next and annually thereafter, there shall be an election held at some suitable place in each ward, for the purpose of electing by ballot the trustees of said town to consist of one trustee from each ward; each ward to elect its own trustee, at which election all free white males of the age of twenty one years and upwards who shall have resided within the corporation one year next preceding the election shall be entitled to a vote, provided however that no voter shall be allowed to vote in any ward, other than the one in which he resides, at the time of the election. The place of boarding at the time of the election, shall be considered the residence of such voters as are not householders.

SEC. 3. It shall be the duty of the Judges of such election in each ward to certify under their hands and seals, the persons returned, which certificate shall be sufficient authority for such person after being duly

qualified to take his seat as trustee.

SEC. 4. The corporation shall have power to levy and collect a tax on lands, lots, buildings and improvements of every description, merchandise and all other personal property whatever, not exceeding one half of one per centum on the valuation; a poll tax on each qualified voternot exceeding fifty cents; also on all shows, exhibitions and amusements, such a tax as they may deem advisable.

SEC. 5. The powers of the corporation for the purpose of raising a revenue, shall extend from North street to South street, and from East street to West street, and embracing those streets, which is the present incorporated bounds of said town, as appears from the town plat filed in the recorder's office of Marion County: Provided however, That said corporation shall have no power to cause to be opened any alley or alleys through such blocks or squares as have been sold by the state to individuals in entire blocks or squares without first having obtained consent thereto of the owner or owners of the same.

SEC. 6. So much of the 2nd, 4th, 6th and 7th sections of the act to which this is an amendment as comes within the purview of this act, be

and the same is hereby repealed.

This act to be in force from and after its passage.

CHAPTER XV.

An Act to amend an Act entitled, "An Act to incorporate the Perrysville and Danville Rail-road Company," approved January 26, 1836.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That the name and style of the present corporation and body politic, incorporated by an act entitled "An act to incorporate the Perrysville and Danville Rail Road Company," approved January 26th, 1836, be, and the same is hereby changed to that of the President, Directors and Company, of the Perrysville and Crawfordsville Rail Road Company; Provided however, That the change in the name and style, of such corporate company shall not, in any way, affect any contract heretofore made by said company or corporation.

SEC. 2. The capital stock of said corporation be, and the same is here-

by extended to the sum of five hundred thousand dollars.

SEC. 3. The said corporation be, and they are hereby authorized and empowered to extend the said rail road agreeably to the provisions of the thirteenth section of the act to which this is an amendment, from the town of Perrysville, in the county of Vermillion, to intersect the Madison and Lafayette Rail Road, in the town of Crawfordsville, in the county of Montgomery, with all the same and no more privileges or restrictions than are given to said corporation by the act to which this is an amendment for the construction of that part of said road which lies between the town of Perrysville, on the Illinois State line.

SEC. 4. The said corporation be, and they are hereby authorized to build and crect a bridge across the Wabash river, at the town of Perrysville, in the county of Vermillion, for the use and benefit of said corporation; with the privilege of erecting with it, a toll bridge. And the said rail road company be allowed to receive and collect toll from any and all persons crossing said river or said toll bridge, at a rate not exceeding the then established rates of ferrymen who are licensed, and whose rates are established by the board doing county business in the county of Vermillion, for ferrying across said Wabash river. Provided always, The

29

navigation shall not be injured by said bridge; and that the State reserves the right, at any and all future times, to improve the same.

SEC. 5. The twenty-seventh section of the act to which this is an

amendment be, and is hereby repealed.

SEC. 6. That Jacob Winn, Robert Taylor, Wm. McClen, and Abijah O'Neal, of the county of Montgomery, and Absolem Mendenhall, Enoch Furr, and Johnston Robb, of the county of Fountain, be, and they are hereby added to the said corporation, with all and equal privileges to those given the said corporation by the act to which this is an amendment.

This act to take effect and be in force from and after its passage.

CHAPTER XVI.

An act to incorporate the Evansville Manufacturing and Dry Dock Company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Frederick E. Goodsell, Charles Stuart, Francis Amory, Jr., Amos Clark, Marcus Sherwood, Silas Stephens, and William Walker, together with such other persons who may associate with them and their successors, for the purpose of manufacturing paper, cotton, wool, hemp, flax, timber, and iron, and also for the purpose of constructing, erecting and building docks, for the building and repairing steam boats and other vessels, to be established, and located in or near the town of Evansville, and State of Indiana, and their successors be, and the same are hereby ordained, constituted and declared a body corporate and politic, to all intents and purposes; to be known and designated "The Evansville Manufacturing and Dry Dock Company;" and by that name may sue and be sued, contract and be contracted with, have and use a common seal, and the same to change at pleasure. And that they and their successors, as a body corporate, by the aforesaid name, shall be competent and capable of purchasing, holding, using and conveying any property or estate whatsoever, real or personal, that may be deemed necessary for the prosecution of their designs as aforesaid: Provided, That the real estate owned by said corporation shall never be more than may be necessary for the advantageous conduct of its business, unless the same should be acquired by mortgage for debt due said company, or by purchase at sale on execution in favor of said company; in either of which cases the same shall again be sold within two years, if a price equal to what said company gave shall be tendered for it.

SEC. 2. Be it further enacted, That the capital stock of said company shall not be less than twenty thousand, nor more than five hundred thousand dollars, consisting of shares of one hundred dollars each; and that the said Goodsell, Amory, Stuart, Clark, Sherwood, Stephens and Walk-

er, or either of them, are hereby constituted commissioners. And as such, are hereby authorized to open books and receive subscription to said stock, at such times as they or any three of them may deem expedient, after the taking effect of this act; which subscription shall be paid at such time and in such manner as shall be expressed in said subscription, until said sum of twenty thousand dollars shall have been subscribed; after which the payment and terms of subscription shall be regulated by the board of directors to be chosen in pursuance of this act.

SEC. 3. That as soon as the said sum of twenty thousand dollars shall be subscribed to the capital stock of said company, the aforesaid commissioners, or any three of them, shall proceed to order an election of not less than three nor more than five directors at their discretion, which directors and their successors shall have the whole management of the stock, property and concerns of said corporation; and who shall make all necessary by-laws, rules and regulations for the good government of the same, its officers and concerns, not inconsistent with the laws of this State. Said commissioners ordering said election, shall give at least twenty days notice of the time and place of holding said election, by advertisement in some newspaper printed in Evansville, a copy of which advertisement accompanied by the affidavit of an editor of the paper in which the same was published, being preserved among the papers of said corporation, shall forever be prima facia evidence of the fact of publication, according to the fact stated in such affidavit. The said directors shall be chosen by ballot from among the stockholders, and shall hold their office for one year from the time of their election, and until their successors shall be elected, and give their assent to serve, by subscribing their names to the board of directors, and fill all vacancies occuring in their own body, or any office of said corporation.

SEC. 4. A majority of said directors shall form a quorum to transact business; shall have full power to put into operation all designs contemplated by this charter; call special meetings of the stockholders, appoint such officers, clerks and agents as they may think necessary, and define their powers and duties, and remove them at pleasure, and take bond and security from such officers, clerk or agent, for his fidelity, good conduct and attention, as may be prescribed by the by-laws of said corporation, and to do all other acts and things, touching the officers of the company,

not otherwise specially provided for.

SEC. 5. The said directors shall have full power and authority to receive, and by due course of law to coerce the collection of any and all subscriptions to the capital stock of said corporation, together with all costs of suit in any court of competent jurisdiction, subject however to the direction of the stockholders.

Sec. 6. A general meeting of said company shall be held at least once in each year, at such time and place as shall be prescribed in the by-laws; such assent in a book to be kept for that purpose; and in case at any election a full new board should not be made up, in consequence of any member elect refusing to serve, a member of the old board shall be selected by the new directors, to continue as such director, or otherwise fill such vacancy according to the by-laws of said corporation;

said directors shall be elected by the stockholders present, or by written proxy from those not present; each stockholder being entitled to one vote for every share up to ten, inclusive; one more vote for every three shares up to thirty, inclusive; one vote for every five shares up to one hundred, inclusive; and one vote for every ten shares above one hundred shares. Said commissioners, or any three of them, shall act as judg. es and managers of the first election, and give certificates to such as are duly elected; but at each subsequent election, the acting directors, or such three of them as they may agree upon, like notice having been given, if any such paper be there printed in said town, and if not, by written advertisements, placed up in three of the most public places therein; shall act as judges and manage and conduct said elections. Said board of directors shall elect one of their number to act as president of said [board.] The presence of a majority of the stockholders in votes, either in person or by proxy, shall be necessary to the transaction of business at such meetings; but a smaller number may adjourn from time to time. The stockholders, or a majority of their votes, may, from time to time, enlarge the capital stock of said company, by selling, or ordering their president and directors to sell shares therein, at such time, in such manner, to such amount, and at such price or prices, as they in their general meeting may direct, until the capital stock shall reach the maximum amount aforesaid; and upon such additional stock being taken, the owners thereof shall, to all intents and purposes, be members of said company hereby incorporated, and any premiums obtained on said stock shall be the common property of all the stockholders, in proportion to the capital stock owned by them respectively.

SEC. 7. The stock of said company shall be deemed personal estate, may be transferred, and certificates thereof issued in such manner and form as the president and directors, or the stockholders in general meeting shall from time to time direct; provided that nothing herein contained shall be so constructed, as to prevent said company from selling any part of the real estate owned by said company which may be incorporated into stock and declared personal property, or to prevent the same when sold, and conveyed from being considered real estate.

SEC. 8. The several stockholders of said corporation shall severally be responsible in their individual capacity for the amount of their respective subscriptions to said stock and ro further, provided that if said company at any time should fail or become insolvent, and that said directors shall have been found guilty of violating any part of this charter, or should any agent be found guilty of transcending the orders of said directors in either case such directors or agents shall become personally responsible to the full amount of such failure, or insolvency, but otherwise their responsibilities shall be on equal footing with other stockholders, provided also that no director shall be responsible for any act of said board further than to stand on equal footing with other stockholders; provided such act be done without his knowledge or his note be recorded against it.

SEC. 9. The said board of directors shall cause to be kept books in such a manner, that at any time they will give a full expose of the

whole standing transactions and state of the concerns of said company, which books shall at all times be open to the inspection of all persons concerned in any respect with said company, either as stockholders or creditors of said company and at such annual meeting of the stockholders to make a complete exhibition of the same.

SEC. 10. It shall be lawful [for] said company to invest any part of their capital stock, money, funds, or other property in any public stocks or funded debt or in the stock in any chartered bank or banks, and the same to sell or transfer at pleasure, and reinvest whenever and so often as the situation of said company may require, or loan the same on freehold security at an interest not exceeding that allowed by law to be taken by individuals.

SEC. 11. Said company may receive money and other articles on deposite and loan the same out, but shall not use or employ any part of the capital stock in the business of banking, nor emit bills of credit, nor certificates of deposites to serve as a circulating medium: but said company shall not be prohibited from dealing in gold and silver coin, bills of exchange, promisory notes, and other evidences of debt, but said company shall not take or receive any greater rate of interest than is now allowed by law to be taken by individuals.

SEC. 12. This charter shall extend only for the term of fifteen years at and from which time, said company shall cease and be dissolved.

SEC. 13. This act shall be taken and deemed in all courts and places as a public act, and construed liberally for all beneficial purposes and shall take effect and be in force from and after its publication.

CHAPTER XVII.

An Act to provide for the erection of a bridge over the east fork of the White Water River at Brownveille.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That twelve hundred dollars of the three per cent, fund, due to the county of Union, under the provisions of an act of the General Assembly passed at the present session, be and the same is hereby appropriated for the construction of a good and substantial bridge, with stone abuttments, over the East Fork of White Water river at Brownsville.

SEC. 2. That James Beard, Adam Mason, and Ira Grover, of the county of Union, are hereby appointed Commissioners to superintend the construction of the said Bridge, who shall before entering upon the duties herein enjoined upon them, execute bond in the penal sum of twenty-five hundred dollars, with security to be approved of by the clerk of the Circuit Court of Union county, and made payable to said county, conditioned for the faithful discharge of all the duties enjoined on them by this act, which bond shall be filed in the Clerk's Office of said county.

SEC. 3. The said commissioners so soon as they shall have given bond as aforesaid, shall procure the services of Thomas Brown, of Union County, or some other competent engineer, to make an estimate of the cost of building said bridge across the said stream where the road leading from Connersville to Liberty crosses the same, who shall be allowed two dollars per day for such services, and so soon as the estimate is made they shall proceed to procure subscriptions or donations to aid in the building of the said Bridge, and so soon as they shall have procured subscriptions from responsible persons to an amount sufficient with the amount herein appropriated to complete the same, the said Commissioners are then hereby authorized to draw, and the Agent of the three per cent. fund is hereby directed to pay over to the said Commissioners, the said sum of twelve hundred dollars out of the three per cent. fund due the said county, wherein they shall produce the certificate of the Clerk of said county, that they have filed in his office, the bond above required.

SEC. 4. That the said Commissioners shall proceed to let out the construction of said Bridge, after giving twenty days public notice in two separate contracts, the stone work, and the superstructure, taking bond with good security from such contractors for the faithful and prompt fulfilment of such contract, and for any breach or failure to comply with the said contract, the said commissioners are hereby authorized to sue in their corporate name. And the said Commissioners are hereby declared to be a body corporate and politic with the full power to sue, and be sued by the corporate name, and style of the Union county Bridge Commissioners.

SEC. 5. The said Commissioners shall be authorized by action of debt to collect before a justice of the piece all subscriptions for the said Bridge after refusal to pay the same upon demand, and for their services they shall be authorized to retain in their hands one dollar each for every full day they may be necessarily engaged in the duties hereby enjoined upon them.

This act to be in force from and after its publication.

CHAPTER XVIII.

An Act to authorize the Board of Commissioners of Washington County to fund at interest, certain monies hereinafter named, and for other purposes.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the Board of Commissioners of Washington county, be and they are hereby authorised and required to fund at interest, (under the provisions hereinafter provided) the whole of the appropriation to said county of the three per cent. fund, made by the 16th section of an act "entitled an act to provide for the improvement of the navigation of the Wabash river," approved Feb. 1, 1834.

Also the whole of the two thousand dollars appropriated to said county by an act "entitled an act to appropriate to the several counties in this state, a part of the three per cent. fund," approved Feb. 8th, 1836.

And also, the whole of such appropriations as may, at the present, or any future session of the General Assembly, be made of said fund for the

use of said county.

SEC. 2. It shall be the duty of the Board of Commissioners aforesaid. at some regular session thereof, or at a special session, which said Board is hereby authorised and empowered to hold, to appoint some suitable person to serve as three per cent. fund Agent; who, when so appointed. shall give bond payable to the Board of Commissioners of Washington county, in the penal sum of ten thousand dollars with good and sufficient security, to be approved of by the Board making such appointment. conditioned for an honest and faithful discharge of all the duties enjoined on him by law, and for the immediate paying over, and delivery of, all monies, books and papers appertaining to his said Agency, to such person or persons as may at any time, be authorised by said Board to demand and receive the same. Whereupon recovery, by said Board, may be had on said bond in any court of competent jurisdiction as often as said Agent may be in any way guilty of any breach thereof.

And moreover, said Agent before entering upon the duties of his said Agency; shall take an oath or affirmation (to be administered by the Clerk of said Board, who is hereby authorised to administer the same,) faithfully, honestly and impartially to discharge the duties of his said Agency

according to law.

SEC. 3. It shall be the duty of the Clerk of said Board, to preserve, on file, in his office, the bond mentioned in the foregoing section of this act, and furnish the person appointed as Agent, a certificate of his appointment; also, certifying, that bond has been executed, and the oath of of-

fice taken by said Agent according to law.

SEC. 4. It shall be the duty of said Board of Commissioners, as often as they may be informed that there is any of the three per cent. fund mentioned in the first section of this act, in the hands of any person ready for payment, to issue their official order or draft therefor, in favour of their said Agent, whose duty it shall be to present the same for payment, to the person on whom drawn, as soon as may be practicable; whereupon it shall be the duty of the person having said funds, to pay the same over to the Agent or other person presenting such authenticated order or draft, it having the said Agent's receipt endorsed thereon: and every person having the possession of any such funds, who shall, refuse or fail to pay the same over on application being made by said Agent, shall be liable to suit for the recovery thereof, by said Agent in the name of the Board of county Commissioners of Washington county, and recovery had with costs in any court of competent jurisdiction.

SEC. 5. The Agent aforesaid on receiving any of the three per cent. fund aforesaid, shall on proper applications, loan the same to citizens of his county in parcels not exceeding three hundred dollars to any one individual, for the term of three years, at the rate of eight per cent. interest per annum, to be paid annually in advance, on good security by mortgage on real estate situate in said county, which shall be estimated by said Agent to be borrowed clear of any buildings or other perishable improve. ments thereon; the Agent shall be satisfied that the said real estate is not encumbered either by mortgage, or judgment on record, or in any other way, and that the person or persons proposing to mortgage the same. has a regular claim of title therefor, derived from the United States. And it shall be the duty of said Agent, whenever any of the money so loaned returns to his hands, by virtue of said Agency, to loan the same from time to time in manner aforesaid: Provided nevertheless, That should the Board of Commissioners deem it most conducive to the interest of their county; they may, in their discretion, direct the said Agent in addition to the above mode, to make loans and re loans out of said fund on good and sufficient personal security, for the term of twelve months, renewable, so as to extend such accommodations, if required, for three years. The interest on all such loans to be paid as above required.

SEC. 6. The said Agent in making loans under the provisions of this act, shall, in deciding on the various applications for money, extend the loans to citizens in the several townships of said county as near as may be conveniently practicable, in proportion to the respective number of taxa-

ble polls therein.

SEC. 7. The interest that may accrue to the county of Washington, on the loans aforesaid, shall be disbursed by said Agent on the orders. and by the direction of the Board of county Commissioners of said county whenever they may think proper to expend the whole, or any part thereof, in opening or repairing of state roads therein: Provided nevertheless, That should said Board deem it most advisable not to expend any such interest for a time, or until the same may accumulate to a greater amount; they may, at their discretion, direct their said Agent to loan the same. at interest, for periods of six or twelve months on good personal security; in other respects, on the terms prescribed in this act for loaning the original fund.

SEC. 8. It shall be the duty of the agent to settle accounts by him kept; in relation to the duties enjoined by this act; with the board of commissioners at their May term in each and every year and as much

oftener as said board may require of him so to do.

SEC. 9. Prior to the agent loaning any of such fund, where mortgage security is proposed, the applicant shall execute duplicate mortgages (in form as near as may be, as in this act given) which may be acknowledged before said agent who is hereby authorised to take such acknowledgements, one of such duplicates shall be filed by the agent in the recorder's office of said county, and there be recorded and the other retained and filed by said agent; and either of them as also a certified copy of the record shall be original evidence of the contents thereof.

SEC. 10. It shall be the duty of the said agent to keep an account current with each borrower of money in a book, to be kept for the proceedings of said agency; debting the borrower for the amount loaned on mortgage or bond, as the case may be; the interest paid in advance and subsequent interest shall also be debted at the commencement of each second and third year. He shall also enter on the credit side of the

account, all payments of principal and interest severally, and when any mortgage shall have been paid off the agent shall endorse on the duplicate in his possession, proper satisfaction, and deliver it to the person discharging the same, which when presented shall be sufficient authority to the Recorder to enter the said endorsement as satisfaction. on the margin of the record thereof, and to surrender to such person the duplicate on file in his office, such person paying the Recorder 124 cents for the said entry of satisfaction of record.

SEC. 11. In all cases, where any of the said fund has been loaned on bond with personal security, the agent shall, on receiving full payment thereof, enter a credit thereon in full, and deliver said bond

over to the person making such full payment.

SEC. 12. The board of commissioners of Washington county in the direction of the expenditure of the interest that may have accrued to the county on loans as aforesaid shall have due regard to the interest and

equal rights of every township in their said county.

Sec. 13. Every person mortgaging real estate under the provisions of this act, shall have privilege to discharge the same at any time, but in no case shall there be repayment by the agent, of any interest that may have been paid in advance on any mortgage or bond, the interest in cases of mortgages shall be considered as becoming due on the days on which the second and third years respectively commence, and shall be paid accordingly, and on failure to pay any principal or interest within thirty days next after the same shall have become due, the said agent may commence suit of foreclosure of said mortgage, in any court having competent jurisdiction, the failure to pay any such interest in advance shall be considered by the court as a forfeiture of the conditions of such mortgage, and subject it then to be foreclosed for the collection of both principal and interest, together with five per centum damages thereon, and costs of suit. The same per centum damages, shall be recovered in judgment on bonds with personal security, taken under the provisions of this act.

SEC. 14. Whenever the board of commissioners deem it advisable to expend any of the interest that may have accrued to the county aforesaid, they are hereby authorized and required to appoint from time to time, one or more superintendents of State boards, who shall severally be sworn to discharge their respective duties industriously and honestly, in pursuance of the directions given by the said board, which oath shall be administered by the clerk of the board, who is hereby authorized to

administer the same.

Sec. 15. The agent shall be allowed for disbursing said interest, expended under the provisions of this act, such per centum on the amount dishursed, as the board may think reasonable. And the superintendents shall be allowed such per diem allowance each, as the board may direct, to be paid by order of the board out of the monies so directed to be expended.

Sec. 16. All mortgages of real estate, and all bonds with personal security, taken to secure the payment of money loaned under the provisions of this act, shall be made payable to and in the name of the

county commissioners of Washington county, and shall inure to the use and benefit of said county, according to the true intent and meaning of this act.

SEC. 17. When the agent loans money under the provisions of this act. he shall retain one years' interest, (if loaned for that length of time,) out of the sum so to be loaned; and also retain the fees annexed to such of the following services as may be required in perfecting such loan, under the provisions of this act—that is to say, one half of a per cent. out of the money loaned, for compensation in part to the agent,-

For writing duplicate mortgages	. \$	0	50
For valuing, examination as to incumbrance, and chain of titles of real property, proposed to be mortgaged		ı	00
For taking borrower's affidavit and acknowledgment, to be entered on such mortgage		0	25
For recorder's fee, to be paid by agent to recorder	101	0	50
For writing and taking bond, with personal security, on money loaned		0	50
For receiving, receipting for, and making entry of each, after payment of interest, to be paid at the time such interest may be receipted for		0	371

The aforesaid half per cent. and the fees for writing mortgages, for valuing and examining, &c., property proposed to be mortgaged-for taking affidavit and acknowledgment-for writing bond, where personal security is taken—the fee for receiving, receipting for, and making entry of each after payment of interest, and the per centage authorized to be allowed, for disbursing the money authorized to be expended, as mentioned in the fifteenth section of this act, shall be taken and considered as a full compensation, to the agent mentioned in this act, for all the services which he shall perform under the provisions thereof.

SEC. 18. In taking mortgages under this act, the form in this section shall be observed, mutatus, mutantis, to wit.

MORTGAGE.

I, A. B., of the county of Washington, Indiana, do hereby mortgage, assign over and transfer to the board of county commissioners of Washington county, for the use of said county, the following described land, to wit: to secure the payment of at the end of three years from the date hereof, with an interest thereon at the rate of eight per centum per annum, payable in advance annually, I do agree that said land, and all my title, interest, and claim therein may he foreclosed and sale made according to law, if any part of such principal and interest or either of them, be not paid at the time the same or either of

them or any part thereof shall become due as herein stipulated, or within thirty days thereafter, for the payment of all the principal and interest in arrears, with five per centum damages thereon and all costs.

In testimony whereof I have hereunto set my hand and seal this

in the year day of A. B. (L. s)

On taking duplicate mortgages, in form aforesaid, as near as may be, the agent shall take on each of the mortgages, endorsed thereon, affidavit in the following form, to wit:

I, A. B., do solemnly swear, that there is no incumbrance of any kind or better claim in law or equity to the premises herein mortgaged than my own, as I know or believe.

A. B. Sworn to before me, K. L., agent. and any person swearing falsely in the premises, shall be subject to all the pains and penalties provided by law for wilful and corrupt perjury.

SEC. 19. Where money is loaned by the agent, on personal security, the following form shall be observed in taking the bond, to wit: mulatus mutantus.

Know all men by these presents, that I, A. B., ('. D, and E. F. are held and firmly bound to the board of county commissioners of Washington county in the penal sum of dollars, the payment of which well and truly to be made we jointly and severally bind ourselves, our and each of our heirs, &c. firmly by these presents, dated this The conditions of the above obligation are such, that if the aforesaid A. B., C. D. and E. F., or either of them, does pay to the board of county commissioners of Washington county, or to their three per cent, fund agent, the sum of dollars at the end of one year from date hereof, and in the event of non payment thereof for thirty days after due, then to pay five per cent, damages thereon, together with the principal, and interest thereon from the time when the same may have become due, until paid and collected, at the rate of eight per centum per annum interest thereon, then the above obligation shall be null and void, otherwise, &c.

SEC. 20. The board of commissioners of Washington county are hereby authorised to make an allowance out of their county treasury to the person entitled to the same, the amount that may have been paid the Secretary of State, for an authenticated copy of this act.

SEC. 21. All laws and parts of laws, contravening any of the provisions of this act, so far as they relate to the county of Washington, be and the same are hereby repealed.

This act shall take effect and be in force from and after its passage.

CHAPTER XIX.

An Act to Incorporate the Indianapolis, Lebanon and Lafayette Turnpike Com-

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That Adam Wright, and John C. Hume of Marion county, Joshua Fos. ter, J. H. Rsoc, Samuel S. Strong, Elkanah Vanhock, Cornelius West. fall, and James Vanheaton of Boon county, and Clinton county and Daniel Nelson, Lot Carson, and Daniel D. Hunter of Tippecanoe county, and their successors in office are hereby constituted a body politic and corporate, and by the name and style of the President and directors of the Indianapolis, Lebanon and Lafayette Turnpike Company, shall be able in law and equity, to sue and be sued, plead, and be impleaded, in any, and all courts of justice whatever, and shall be able to make and enforce contracts and to make and enforce the necessary by. laws, rules and regulations to enable them to carry into effect the provisions of this act.

SEC. 2. The capital stock of said Company shall be one hundred thousand dollars to be divided into shares of twenty five dollars each, which capital may be increased, at any time, to any amount that may be necessary to construct a Clay or Wooden Turnpike, from the west end of the National Bridge over White River in Marion county, by the way of Lebanon and Thorntown in Boon county, to Lafayette in Tippecanoe county; and for the purpose of constructing said road, the aforesaid company shall have all the rights, powers and privileges given to the Lafayette 1837, and shall be and Michigan City Turnpike approved governed by the provisions of this act, in all things whatsoever not other-

wise provided for in this act.

SEC. 3. The said Company shall open books and receive subscriptions for stock for the construction of said road at such times and places as

as they may deem expedient. This act to take effect and be in force from and after its passage, and to

continue in force for fifty years.

CHAPTER XX.

An Act to incorporate the Trustees of the New Albany Seminary.

(APPROVED, FEBRUARY 4, 1837.)

WHEREAS, the Methodist Episcopal Church have erected a seminary of learning, which is located in the town of New Albany, county of Floyd and State of Indiana, appointed a board of trustees for the said seminary; and whereas said trustees by their present appointment, are not clothed with sufficient authority to protect and effectually promote its

interest-therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Allen Wiley, Calvin W. Rutter, Summerville E. Leonard, John Evans, Edward Brown, Sr., William V. Daniel, Robert Downey, William Shanks, Samuel G. Wilson, Peyton A. Key, Matthew Robinson, Philander L. Rutter, Thomas Senix, Horace Barnes, Edward R. Ames, Henry L. Ross, and their successors in office, are hereby constituted a body politic and corporate, by the name and style of "The Trustees of the New Albany Seminary," and by the same corporate name may sue and be sued, plead and be impleaded in any court of legal proceedings in this State, contract and contracted with, take and hold estate, real and personal, or mixed, by gift, grant, contract, devise, bequest or otherwise, to have perpetual succession, and a common seal.

SEC. 3. The trustees shall meet, when, where, and as often as they may deem necessary; and a majority of them shall constitute a quorum, for the exercise of any powers, or the transaction of any business, as contemplated by this act. A majority of those present at any meeting, shall determine any question before them: Provided however, That in all cases where a meeting is held, otherwise than an adjournment, the president of the board shall give due notice, previously, of the time and place of

such meeting.

SEC. 3. It shall be the duty of the trustees, or a majority of them, to elect of their own body, a president, secretary and treasurer, to continue

in office during the pleasure of said board.

SEC. 4. The said trustees shall have power to elect their successors in office; and in case of a vacancy in the board by death or removal, or resignation, shall proceed to fill such vacancy at their first meeting, thereafter.

SEC. 5. It shall be the duty of the president of the board, to give notice previously, to all the members as far as practicable, of special or

called meetings, and he shall be entitled to a vote.

SEC. 6. It shall be the duty of the secretary to keep a faithful record of all the proceedings of the board, at their several meetings, in a book furnished him for that purpose, together with the reports of committees

and such other matters as the board may direct.

SEC. 7. It shall be the duty of the treasurer to receive and preserve all moneys, notes, bonds, papers, books, &c. as may come into his hands as such treasurer; to keep just and true accounts of the same; to pay over to the order of the board, the seminary funds, and to deliver to his successor in office all moneys, books, papers, notes, bonds and such other valuables in his hands belonging to the seminary; and shall execute a bond payable to the trustees for the use of the said corporation, in such penal sum as the trustees may require, not exceeding double the amount of the funds, notes, bonds and debts that may come into his hands as such treasurer, conditioned for the faithful performances of his trust.

SEC. 8. The said board of trustees shall have full power, from time to time, to make such by laws, or ordinances and regulations, not inconsistent with the constitution and laws of this state or of the United States,

as they may deem advisable for the government of the said seminary, or of the students, pupils, or professors and teachers thereof; and the same to be put into execution, revoked, altered or amended, as to them shall seem proper.

Sec. 9. The trustces of said seminary shall be liable at law and in equity, out of their own individual estates, for the amount of their habilities of said corporation, incurred during the time such trustee or trustees were in office and acting as such: Provided however, That no proceedings shall be had against such trustees in their individual capacities, until the corporate property shall have been exhausted.

Sec. 10. This act is hereby declared to be a public act, and shall take

effect and be in force from and after its passage.

CHAPTER XXI.

An act for the incorporation of the town of Knightstown, Henry county, Indiana.

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted, by the General Assembly of the State of Indiana, That Edward R. Hart, Elias Evans, John H. Bailes, Robert D. Johnson, Asa Heaton and John Traly, be and they are hereby appointed trustees, of the corporation of the said town of Knightstown to serve as such until the second Monday in May 1837 and until their successors are elected and qualified as hereafter directed.

SEC. 2. That the said trustees at their first meeting after the passage of this act, shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, and preserve order, put all questions, and upon equal division of the board, give the casting vote, and at the close of each meeting appoint all officers necessary to carry into effect the provisions of this act, and make such compensation as to

them shall appear reasonable and right.

Sec. 3. That the said president and trustees of said town, and their successors in office shall be and the same are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of "the President and trustees of the town of Knightstown," and by that corporate name shall be able and capable in law and equity to sue and be sued, plead and be impleaded answer and be answered unto, defend and be defended, in any court of competent jurisdiction, to make use and have a common seal, and the same to break, alter and amend at pleasure, to ordain, establish and put into execution, by-laws, rules and ordinances necessary and proper for the benefit and convenience of the citizens of said incorporated town; and shall also have power to adopt and put in force such laws ordinances and regulations, as they shall deem necessary for the police, good government, and order of the town hereby incorporated, subject however to the restrictions, limitations and provisions hereinafter provided, not inconsistent with the laws and constitution of this state, and of the United States.

Sec. 4. That the said president and trustees or a majority of them. shall have power to lay off said town into as many wards as they may deem necessary, and on the first Monday in March, A. D. 1837 and anqually thereafter, there shall be an an election held at some convenient place in said town, to be designated by the said president and trustees. to elect by ballot seven trustees for said corporation at which election each white male inhabitant of said town, who shall have the qualifications of a voter for state and county officers, and shall have resided within the bounds of the said corporation three months next preceding said election shall be entitled to a vote at the same; ten days previous notice of which election shall be given by the president and trustees aforesaid, by publishing the same in some newspaper printed in said town, (if there be one) otherwise by putting up written notices thereof in three of the most public places in said town, designating the time and place, when and where said elections are to be holden.

SEC. 5. The president and trustees at their meeting preceding the annual elections shall appoint an inspector of all elections whose duty it shall be to attend the same, and call to his assistance two other qualified voters, who shall be judges of said elections, and they shall appoint two clerks of the same, all of whom after being sworn or affirmed to a faithful discharge of their duties as such, shall proceed to receive the votes between the hours of 10 o'clock A. M., and 4 o'clock P. M. on said day; Provided however, that if the said inspector shall not be present, the electors may choose one to act in his place at such election: And provided also, that if the electors should fail to meet, or the president and trustees fail to give notice of any election, the corporation shall not thereby be dissolved, but the president and trustees then in office shall continue until others their successors are elected at an annual meeting of the elec-

SEC. 6. It shall be the duty of the inspector and judges of such election to certify under their hands and seals the seven persons who receive the highest number of votes, which certificate shall be filed and put on record by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the seven persons returned, which certificate shall be sufficient authority for such person to take his seat as a trustee. The trustees thus elected or a majority of them, shall meet within ten days after such election, and after taking an oath or affirmation, faithfelly, diligently, and impartially to discharge their duties as trustees, shall elect one of their body to preside as in the second section of this act; in case of his absence at any meeting of the board they shall appoint a president pro tem. No person shall be eligible as a trustee unless he is a qualified elector, and also a freeholder or householder within the bounds of the corporation. When vacancies happen by death or resignation, or otherwise such vacancies shall be filled by appointment of the trustees, until the next annual election. A majority of the trustees shall at all times form a quorum; they shall meet on their own adjournments, and appoint their officers as in the second section of this act,

SEC. 7. It shall be the duty of the president to sign all laws, ordinan-

ces, and decrees of a public nature, and also to sign the records of all their by-laws, and journals or minutes of their proceedings; and at the first meeting of the president and trustees, after the taking effect of this act, and after each annual election, or as soon thereafter as may be convenient, they shall proceed to elect or appoint a clerk, a treasurer, and marshal, each of whom shall serve one year, or until their successor shall be chosen and qualified; and they shall possess the same qualifications as trustees, take a similar oath, and give bond and courity payable to the president and trustees, conditioned for the faithful discharge of their duties respectively; and on failure to perform all or any of the conditions of said bond, they and their securities shall be liable to the suit of the president and trustees aforesaid, who may assign breaches upon the conditions of said bond, or other cause, and recover a judgment for any default in the discharge of the duties of such officer, together with full costs, and ten per cent. damages thereon, in any court having jurisdiction of the same, and on which judgment there shall be no stay of execution.

SEC. 8. The president and trustees shall have power to levy annually, and collect a tax on real property not to exceed one per cent. on its valuation, exclusive of improvement. And on all shows, exhibitions, or amusements, which may be exhibited for gain, not less than three, nor more than ten dollars for each exhibition; and may levy a tax on any specific article, or articles of personal property; and in addition to the above, the said president and trustees may levy and collect a tax on real property not exceeding one half per cent. on its valuation, either including or excluding improvements, at the discretion of the said president

and trustees, for the purpose of purchasing a fire engine.

SEC. 9. The president and trustees shall have power to pass such laws ordinances, or decrees as may be necessary to guard against damages by fire; to organize fire companies, and govern the same; to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern the markets; to prevent the erection of public nuisances, and remove the same; to declare what shall be considered a public nuisance, and generally to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of the said incorporated town.

SEC. 10. The limits of the corporation shall extend to, and embrace the plat of the town of Knightstown including the out lots, with any addition or additions, which have been or may hereafter be made thereto, as the same is, or may hereafter be entered of record, in the recorder's office

of said Henry county.

SEC. 11. The president and trustees shall in the month of April of each year, appoint a lister who shall take an oath of office, and give bond and security, to be approved of by the said president and trustees, conditioned for the faithful discharge of his duties as lister, after which he shall proceed forthwith to make a fair list in alphabetical order of all persons subject to tax, together with such property as the president and trustees may direct him to list; also of all lots, or fractional lots, particularly noting the number and description thereof, the owner's name if known, and whether resident or non-resident. After having completed such as-

sessment, he shall call to his assistance two freeholders who having been sworn faithfully and impartially to value the real property exclusive of improvements so listed, shall with the lister proceed to value the same, and such lister shall on or before the fifteenth day of May next succeeding, make return to the clerk of the corporation of such list and assessment.

SEC. 12. The president and trustees shall in the month of May in each year, levy a tax on the property so listed and returned by the lister, and appoint a collector, who shall take an oath, and give bond and security, to be approved of by the president and trustees, conditioned that he will faithfully pay over all moneys that may come into his hands as collector, to the treasurer of the corporation, or to such person as may be authorized to receive the same. Said collector shall hold his office one year unless sooner removed.

SEC. 13. The president and trustees shall cause the clerk to make out a fair list of all persons taxable, with personal property, and with real property, with its valuation, setting forth the owner's name if known, the amount of tax chargable to each person, and the amount charged on each article, and shall deliver the same to the collector on or before the first day of June annually, and certify the amount of tax contained on such list to the treasuer. Such list so put into the hands of the collector, certified by the president and attested by the clerk, shall be sufficient authority for the collector to proceed to collect the same.

SEC. 14. It shall be the duty of the collector to receive the amount of taxes due from each individual on or before the first day of July in each and every year, and to account and pay the same over to the treasurer immediately; and in all cases when the taxes assessed are not paid by that time by any individual, it shall be the duty of the collector to proceed and collect the same by distress and sale of any of the personal property of such delinquent subject to execution by the laws of this state, by giving ten days notice of the time and place of such sale, by advertisements set up in three of the most public places in said corporated town.

SEC. 15. In all cases where the tax due and owing, cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such person, or so much thereof as will pay the tax and costs due thereon, by giving twenty days notice of the time and place of such sale in some weekly newspaper published in said town, or by posting up five written notices in the most public places in said town, in which notices he shall describe the lot or lots to be sold by their proper number, or some other certain description, with the owner's name, if known, or the person's name to whom it is supposed to belong, and file one of said advertisements with the clerk of the said corporation, to be filed by him among the records of said corporation. The collector shall on the day of sale, by proclamation, proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs due, for the smallest portion of the lot or lots so offered for sale, and shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid including tax and costs, and that said purchaser will be entitled to receive a deed

for the same at the end of two years, unless the owner, or some person for him, her or them shall redeem the same on or before that time, by paying to said purchaser his, her or their heirs or assigns, the amount of the purchase money, with one hundred per cent. thereon, or deposit the amount with the clerk of the corporation, whose duty it shall be to make an exhibit of the same to the president and trustees at their next meeting, which, if correct, shall be entered on record: Provided however, That nothing in this act shall be so construed as to contravene any of the provisions of "an act to provide a fund for common schools," approved February 2d, 1832.

SEC. 16. In case the owner of any lot or fractional lot so sold as afore. said, his, her or their agent or attorney shall not pay the amount of the purchase money with the per centum thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the collector then in office, to make a deed to the purchaser, his, her, or their heirs or assigns, for such lot or fraction of lot, which deed acknowledged and recorded agreeably to law, shall vest the right and title to said real estate in the purchaser, his heirs or assigns, and divest the owner or owners of any title thereto; and the assessment made on such lot or lots shall be a lien on the same in the hands of any person who may purchase the same at private sale, and no conveyance made by the owner of said lot, after the time of such assessment, shall so divest the owner thereof of the title to said lot as to interfere with the claim of a purchaser under the provisions of this act: Provided, That in all cases where lots are listed and the owner's name not known, such sale shall be valid and good to the purchaser.

SEC. 17. The collector may adjourn his sale from day to day for three days, and if at the final adjournment of his sale at any time, any lot or lots should remain unsold for want of buyers, he shall make return thereof, and the amount of the tax and costs shall remain as a lien upon such lot or lots, and shall be added to the next year's assessment, together with one hundred per cent, thereon. The collector shall be allowed a fee of fifty cents for each sale and certificate, and the expense of advertising the same.

SEC. 18. It shall be the duty of the collector to make return of his proceedings, and the sales made, to the clerk of the corporation, on or before the first day of September annually, and pay over to the treasurer all moneys by him collected; at which time he shall furnish a list of delinquents, for which he shall receive a credit, if deemed correct and true.

SEC. 19. All bonds given by the officers of the corporation, and all contracts entered into with the corporation, shall be in the name of "the President and Trustees of the town of Knightstown, and all suits commenced for the benefit of the corporation, or where the corporation shall be defendant, shall be in the name of "the President and Trustees of the town of Knightstown, without setting forth the name of any member thereof.

SEC. 20. It shall not be lawful for any persons within the bounds of the corporation, to sell by less value than one quart, except for the use of the sick, any spirituous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to

a licerse obtained from the board of county commissioners, or the board doing county business, obtain a license from the corporation who is hereby authorised to grant the same to such applicant for one year, or less, at one time, on his, her, or their paying into the treasury of the corporation, a sum not less than three, nor more than fifty dollars, at the discretion of the president and trustees of said town. And if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house contrary to the provisions of this act, he, she, or they, so offending, shall, upon conviction thereof, in an action of debt or on the case, brought by the president and trustees, against the offender or offenders, before a justice of the peace, or any court having jurisdiction thereof, recover any sum of money not more than twenty, nor less than three dollars, for any violation of this section; and shall, upon conviction thereof by presentment or indictment, (in which indictment it shall not be necessary to recite this act,) in any court of competent jurisdiction, be fined in any sum not more than fifty nor less than five dollars, for the use of the county seminary. And for the better regulation of the peace and good government of the town, the said president and trustees are hereby authorised to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting or whatever may detract from the peace and good order of society; and for the purpose of carrying into effect the provisions of this act, the said president and trustees are hereby authorised to appoint a marshal for that purpose, who

shall take an oath of office and be a peace officer.

Sec. 21. Whenever the owners of any lots on any street or section of a street, shall be desirious of making any improvement on the same by grading, graveling, or paving said street or side walks thereof, or any other improvement on said street or side walks, two-thirds of the owners of lots on said street or section of street by themselves, their tenants or occupants thereof, representing two thirds of the whole number of feet on each side of said street or section of street, or two-thirds of the whole number of feet on one side of any side walk, and shall by petition represent to the president and trustees of said incorporation, plainly and distinctly, the improvement wanted or contemplated to be made, it shall be the duty of the president and trustees to cause the same to be done in the best and most economical manner, agreeably to the wish of said petitioners. And the expense of such improvement shall be assessed and levied on all the lots fronting on said street or section of street, equal per foot for the distance such improvement may be intended [to extend]; which assessment and levy from the time of making the same, shall be and remain a lien upon said lot or lots, until the amount so assessed and levied shall be fully paid and discharged. It shall be the duty of the clerk of the corporation, to enter such petition on record with the petitioners' names, the number of feet front owned or represented by each, and shall make out and deliver to the collector of the corporation, a list of the owners' names, the number of feet front owned by each individual, the rate of expenses on each lot for such improvement, and the whole amount assessed and levied on each lot or frection of lot; which list signed by the president and certified by the clerk, shall be sufficient authority for said collector

to proceed and collect the same; and if the owner or occupant of any lot or part of a lot, shall neglect or refuse to pay the amount so assessed and levied, within three months after such levy, the collector shall proceed to collect the same by sale of such lot or part of lot, or so much thereof as will pay the amount so levied; and in such sale and conveyance to the purchaser thereof, he shall in all respects be governed by the fifteenth and sixteenth sections of this act; and the right of redemption shall he the same as is provided by the fifteenth section of this law. And if any such lot or fraction of lot shall not sell for want of buyers or any other legal cause, the same may be re-offered by such collector from from time to time, until the same shall be sold, adding the costs that mar accrue at each time, for advertising, &c.; and the collector shall be en. titled in addition to the costs of advertising, to the same fee for such sale as he is allowed in the seventeenth section of this act for making sale and certificate; and for making a deed to any real estate sold under the provisions of this act, the collector making the same, shall be allowed fifty cents, and twenty-five cents for having the same acknowledged, to be paid by the person receiving said deed.

SEC. 22. All laws and ordinances passed by the president and trustees, of a public nature, shall be published either in a newspaper printed in the town, or by setting up in three of the most public places in the corporation, written copies thereof, ten days before the same shall be in force. And it shall be the duty of the president and trustees in the month of March, in each and every year, to cause a full statement of all receipts and expenditures for the past year to be published, by posting up two copies thereof, in public places in the corporation, or by publishing the

same in some newspaper printed in town.

SEC. 23. It shall be the duty of the marshal to pay over all monies by him collected, by virtue of his office, to the treasurer of the said corporation, within five days after receiving said sum or sums of money, as aforesaid.

This act to take effect and be in force from and after its passage.

CHAPTER XXII.

An act to amend "An act to incorporate the Ohio and Indianapolis Rail Road Company."

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the Ohio and Indianapolis Rail Road Company shall have the right to unite their rail road, with Madison and Lafavette rail road, at or near, the town of Columbus, in Bartholomew county; and the said company shall have the privilege of running their cars on the State work, from the point of intersection, to Indianapolis, on such terms as may be agreed upon by said company, and the board of internal improvement, or other

ngent of the State duly authorized for the time being. And the State cars shall have the privilege of running on the company work, on such terms as the said board of internal improvement, or agent of the State as aforesaid, and said company may agree upon: Provided, That no agreement entered into between the parties above referred to, shall be for a longer time than one year at any one time; but may be renewed from time to time, as the interest of the State and the company may require. Provided also, That the legislature may at any time it may think proper, recind this compact, by the authority of law.

This act to be in force from and after its passage.

CHAPTER XXIII.

An act to incorporate the New Amsterdam Manufacturing Company:

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That George Mowrer, George Lee, John Hillbard, William Trotter, George O'Conner, Robert Cunningham, John Trotter, Dudley Dawson, George Kintner and Frederick Leslie, together with such other persons as shall associate themselves by subscribing one or more shares to the capital stock hereinafter mentioned; for the purpose of prosecuting the manufacturing, exporting, and importing business to be established at or near the town of New Amsterdam in Harrison [county] Indiana, be and they are hereby constituted and appointed a body politic and corporate, by the name and style, of the New Amsterdam manufacturing company, and by and in such corporate name and style, may sue, and be sued, plead, and be impleaded, answer, and be answered unto, in all counts and places whatsoever.

SEC 2. That the process against said corporation shall be by summons which being served on the president or any one of the directors, all further proceedings shall be the same as against natural persons.

Sec. 3. That the said corporation shall have power to make and use a common seal, and the same renew and alter at pleasure; and also to adopt, establish and carry into execution all such ordinances, by-laws, and regulations as shall be necessary in the opinion of its president and directors for the government and management of the officers, agents and superintendents of said company, and the same to change, alter repeal, annul and re-enact, provided such by-laws ordinances and regulations, be not contrary to the laws of this state, and not inconsistent with this act of incorporation, and the said corporation is hereby further authorised, empowered and made capable to purchase, hold, use, and occupy, and the same to transfer and sell again at pleasure, any and all manner of property either real, personal or mixed, which may be useful or necessary for carrying into effect the object of said company. Not to hold real estate exceeding thirty five thousand dollars in value.

SEC. 4. That the capital stock of said corporation shall be fifty thousand dollars, and shall be divided into shares of fifty dollars each. But it shall be lawful for said corporation to commence its business when and so soon as two thousand dollars shall have been subscribed for, and with that amount of capital to commence, conduct and carry on the business until the stockholders shall find it expedient or profitable to increase the amount which they are authorised to do from time to time to the amount berein before mentioned.

SEC. 5. That the persons whose names are mentioned in the first section of this act, are hereby constituted and appointed commissioners. whose duty it shall be to open a book in the town of New Amsterdam to receive subscription to the capital stock of said corporation, at such time or times after the taking effect of this act, as they or a majority of them shall think proper, in which book the following entry shall be made. "We and each of us the undersigned, promise to pay the sum of fifty dollars for each share of capital stock set opposite our name in such manner and in such proportions, and at such times as the president and directors of the New Amsterdam manufacturing company may di. Witness our hands the day of 18 ." But no subscriber shall have the privilege of voting for directors until he shall have paid so said commissioners the sum of five dollars on each share subscribed for, as a part of his subscription.

SEC. 6. That the stock property and concerns of said corporation shall be managed and conducted by five directors one of whom shall be president, all of whom shall be stockolders; and shall hold their office for and during the term of one year and until others shall be chosen and no longer, provided, that the directors first chosen shall hold their offices until the third Monday in May in the year 1838 and until others are

chosen in their stead.

Sec. 7. That so soon as the sum of two thousand dollars shall have been subscribed for, and the sum of five dollars paid on each share pursuant to the regulations of this act, the commissioners herein before appiont. ed, shall give notice by written advertisements, posted up in five of the most public places in the county of Harrison, for an election of directors on such day, and at such place in the town of New Amsterdam, as they, or a majority of them shall designate, which notice shall be given at least ten days previous to said election.

SEC. 8. That the directors of said corporation shall be chosen annually on the third Monday in May after the term of the directors first chosen shall have expired at such place, in the town of New Amsterdam, as a majority of the directors for the time being shall prescribe, of which election notice shall be given at least fourteen days previous, by written advertisements posted up at five of the most public places in the county of Harrison, or by inserting the same three weeks previously in a news

paper published in said county.

SEC. 9. That the first election shall be held under the inspection of the commissioners above named. Subsequent elections shall be held under the inspection of the directors for the time being.

SEC. 10. That all elections shall be by ballot, and a majority of all

the votes present, allowing one vote for each share, be necessary for a choice; provided, that every stockholder shall have the privilege of cast-

ing his vote or votes by proxy.

SEC. 11. That the directors chosen under the provisions of this act, as soon as may be after their election, shail proceed to elect one of their own number president, and if any vacancies shall, at any time happen among the directors, by death, resignation, or otherwise; such vacancy shall be filled for the remainder of the year, or term by the directors then in office.

SEC. 12. That in case it shall happen at any time, that an election of directors should not be made, the said corporation shall not for that cause be dissolved, but it shall be lawful to hold an election for directors on any other day, in such manner as shall be regulated by the by-

laws of said corporation.

SEC. 13. That a majority of the directors shall be competent to form

a board for the transaction of business of the corporation.

SEC. 14. That the stock of said corporation shall be assignable and transferable according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property; provided, that no transfer of stock shall be valid, or effectual until registered in a book to be kept for that purpose, which book shall, at all reasonable hours of transacting business, be open to the examination of any stock-holder, or person having a demand against the corporation, and in case any officer of the company having charge of said book shall refuse to permit the same to be examined as aforesaid, he shall for every such offence be fined in any [sum] not less than ten, nor more than one hundred dollars to be recovered in any court of record having jurisdiction thereof with costs of suit.

SEC. 15. That the directors shall, at all times keep, or cause to be kept at some proper place, proper books of accounts, in which shall be entered all the transactions of said corporation, which books shall be subject, at all times to the inspection of the stockholders of said com-

SEC. 16. That said stockholders shall each be held responsible to all creditors in his individual capacity, for all debts contracted while he was a stockholder on failure of a sufficiency of property belonging to said company; provided, said company shall, at all times, be indebted to an amount exceeding the stock sold, and held in said company, and in case of excess the directors under whose administration the same may happen, and by whose order, or vote the same may have been created, shall be liable therefor in their individual capacity; but nothing in this section contained, shall be so construed as to exempt said corporation from being also first liable for said excess.

SEC. 17. That the directors shall have power to receive, by due course of law, collect all subscriptions in writing, for the purpose of raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to receive and collect ten per centum in damages on any instalment of stocks which shall not be paid pursuant to the requisitions of the board of directors, or the board may in their discretion, after

failure to pay any instalment of stock as required, declare the part of stock before paid in on said share or shares forfeited to the use of the company: Provided, That notice of such requisition shall have been given by said directors, by written advertisements, posted up at five of the most public places in said county of Harrison, at least thirty days before such instalment shall be payable, specifying the amount thereof, when due. and when payable.

SEC. 18. That the said corporation, hereby created, shall not engage in any banking business whatever, and shall exist for and during the

term of fifty years.

SEC. 19. That this act shall be, and the same is hereby declared a a public act, and shall be in force from and after its passage.

CHAPTER XIV.

de la frage chan of burderes of the corrowalling

An Act to Incorporate the Madison and Lawrenceburgh Hotel Companies:

[APPROVED FEBRUARY 4, 1837.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That two companies shall be and are hereby established to be denominated the Madison Hotel Company and the Lawrenceburgh Hotel Compa-

SEC. 2. The capital stock of each of said companies shall be fifty thousand dollars, to be divided into one thousand shares of fifty dollars

each, to be subscribed for as hereinafter directed.

SEC. 3. The subscribers to said companies, their successors, and assigns, shall be and are hereby made a corporation and body politic in law and in fact, by the name and style of the "Madison Hotel Company" and "Lawrenceburgh Hotel Company," and shall so continue until the first day of January one thousand nine hundred and by the name and style aforesaid they shall be and are hereby made able and capable in law to contract and be contracted with, to have, possess, and enjoy, and retain to themselves and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, as may be necessary and convenient for the erection and finishing a Hotel for each company and the requisite appendant buildings to such establishment, and should there at any time be any rooms in said hotel or appendant buildings not required for the use of the hotel they may sell or lease the same; and the same to grant, sell, alien, demise, and dispose of; to sue, and be sued, plead, and be impleaded, answer, and be answered (unto,) defend, and be defended, in courts of record, or any other place, and also to make, have and use a common scal, and the same to break, alter or amend at pleasure, and ordain, establish, and put into execution such by-laws, ordinances, and regulations, as shall seem necessary, and convenient for the government of said corporations

not being contrary to law; and generally to do and execute all and singular such acts, matters, and things, that a corporation for particular pur-

poses may rightfully do.

SEC. 4. For conducting the affairs of said corporation, there shall be five directors chosen annually by the stockholders at a general meeting to be held for the first named company in Madison, and for the second named company in Lawrenceburgh, at such time and place as may be designated in the by-laws of the respective companies, and provided that in case, it shall happen that an election of directors shall not be made upon any day, when pursuant to notice of this act it might have been done, the said corporation shall not for that cause be dissolved, but it shall be lawful on any other day to hold and make an election of President and directors in such manner as shall be regulated by the by laws of said corporations, and the former directors shall continue in office until such new election shall be made, and in case of the death, resignation, or absence from the state of the president or any director, his place may be filled by some person elected by a majority of the remaining members of the respective boards.

SEC. 5. The directors shall have power to appoint agents, officers, and stewarts under them for executing the business of the corporation, removable at pleasure and to allow them such compensation as may be thought reasonable, and to lease and demise such hotels and appendages, as for such term of time, and on such conditions as may be thought best. And such directors for the time being may make, revise, alter, or amend such such rules, orders, by laws, and regulations for the government of their respective corporations, its agents, and officers as they may see proper from time to time as may seem expedient: provided, No by-laws shall be inconsistent with the law of the land.

SEC. 6. In all elections each share shall entitle the owner to one vote. None but a stockholder shall be eligible as a director, and a director shall vacate his office by ceasing to be a stockholder, and in all elections the stockholders may vote by person or by attorney.

SEC. 7. It shall require to form a board three directors, and no compensation shall be given the directors unless by a vote of their stockhold-

ers at their general meeting.

SEC. 8. The said Madison hotel company shall not be allowed to hold any real estate which does not lie within the town of Madison or between the town and the Ohio river, and the said Lawrenceburgh Hotel Company shall not hold any real property that does not lie in the town of Lawrenceburgh, and which may not be necessary for the business of the respective companies, and such other lands as may be in good faith mortgaged or conveyed in trust by way of security until the same can be sold for the debt, and interest, and expenses of collecting the same,

SEC. 9. The stock in said companies shall be assignable only on the books of the respective companies, and with the consent of all the directors, and shall to all intents and purposes be considered as personal es-

SEC. 10. The directors shall from time to time, make such dividends arising from the rents and profits of the corporations as they may think

proper; and it shall be lawful for them to effect insurances on the respective Hotels or any other house or property that may belong to said corpo. rations.

SEC. 11. To carry into effect this corporation, James F. D. Lanier, John Woodburn, Victor King, Milton Stapp, and Thomas L. Payne, are appointed commissioners, for the Madison Hotel Company, and George Towsey, George H. Dunn, and Daniel Major, are appointed Commissioners for the Lawrenceburgh Hotel Company, who or any three of them shall on the first Monday in March next or as soon thereafter as they may deem best, open books for the subscription of stock in said corporation in the town of Madison and Lawrenceburgh respectively; and elsewhere if thought best, which books shall be kept open for one week, unless the whole of the stock shall in less time be subscribed, and if it shall appear that four hundred or more shares shall be taken in each or either of said companies, the stockholders who have so subscribed for shares, shall meet in such place in said town of Madison or Lawrenceburgh or both as the case may be, at such time as may be agreed on by said Commissioners respectively, and under the supervision of said Commissioners, or any three of them proceed to elect by ballot five directors to serve until the successors shall be duly elected under the provisions of this act, the persons having the highest number of votes shall be elected, and the five directors thus chosen shall respectively meet at some convenient time and elect one of their own body as president, and some fit person as secretary, who shall keep a record of the proceedings of said board. They shall also, have power to appoint a treasurer, who shall be required to give bond in such sum as may be thought best, all of whom shall be removable at the pleasure of the board.

Sec. 12. It shall be lawful for the respective boards of directors to make such call, or calls from time to time on said stock as they may require to erect and complete their respective hotels which call shall be paid to the treasurer of said company, and if any stockholder shall fail to pay such call or calls it shall be lawful to sue therefor, and for said directors to forfeit for the use of said corporation the sum or sums which may have been paid in said share or shares: Provided however, No call shall be made on the stockholders in the Madison Hotel Company unless three weeks notice thereof is given in some newspaper printed in Madison nor shall any call be made on the stockholders in the Lawrenceburgh Hotel Company unless a like notice is given in some public paper printed in Lawrenceburgh.

SEC. 13. It shall be lawful for said directors after four hundred sharcs shall have been subscribed for, and taken and paid in as aforesaid, in either of said companies, to borrow any sum of money to complete said Hotel not exceeding twenty thousand dollars each and to pledge the lands and effects of the corporation for its payment with interest thereon.

SEC. 14. In case of insolvency of the company the stockholders shall be liable in equity in proportion to their respective stocks, benefits and effects owned, had, or held of, in or from the company during the time of such liability thereof, to all or any of the creditors of the company; or any judgment creditor in whose favor any execution shall have issued and thereon returned nothing found against, thecempany may have writ of scire facias,

or may file a plaint and have summons thereon against the stockholders to answer such plaintiff or plaintiffs out of the proper estate of the stockholders the amount of such judgments, in the same proportion in equity as aforesaid: *Provided*, That in no case shall the companies, or stockholder in the respective companies be liable for each other.

SEC. 15. Any defendant may show that he was not liable to a stock-holder of the company, but no misjoinder, non joinder, or surjoinder of the defendant shall effect the proceedings by bill, plaint, or scire facias, but the same may be amended on motion or suggestion of the plaintiff at any time before final judgment or decree.

This act to take effect, and be in force from and after its passage.

CHAPTER XXV.

An act to incorporate the Eel River Manufacturing Company.

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted, by the General Assembly of the State of Indiana, That Josiah Williams of Dutchess county in the state of New York, and James Townsend of the county of Putnam in the state of Indiana, togethwith such other persons, as may associate with them for the purpose of manufacturing at the falls of Eel river, known as the Great or lower falls in Owen county Indiana, Iron castings, wool, cotton, hemp, wheat, corn and lumber and for digging and exporting stone coal, and such other manufactory as said company may from time to time deem their interest to engage in, be and they are hereby declared, ordained and constituted a body corporate and politic by the name and style of the Eel river manufacturing company, by which name the said Williams & Townsend and associates, and their successors and assigns shall have continual succession and be entitled to all the privileges and immunities of the laws of this state, to sue, and be sued, plead, and be impleaded, to have a common seal, and the same to alter and change at pleasure, and be capable of purchasing, holding, using and conveying any estate, real or personal, necessary for the use and security of said corporation (not exceeding one hundred and sixty thousand dollars.)

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, in shares of one thousand dollars each, but it shall be lawful for said company to commence business, when and so soon as ten thousand dollars shall have been subscribed, and with that capital to conduct, and carry on the same, until they shall find it expedient to extend their capital, which they are authorised to do from time to time, to the amount herein above mentioned.

SEC. 3. Books for subscription of stock shall be opened under the direction of said Williams and Townsend, or such other person or persons as they may direct and appoint at the Great or lower falls of Eel river or any other place they may direct, and continue open until the neces-

sary amount of stock is subscribed, and whenever it may become necessary for said corporation to increase their capital, the subscription books may be reopened, at such time or place or places, and continue open until the requisite amount is subscribed as said Williams and Townsend, their associates, assigns or successors may direct; and said company shall have power on their own credit to borrow any sum or sums of money necessary to carry on the work herein contemplated upon such terms as may be agreed on by the parties.

SEC. 4. Certificates of stock, shall be given to the stockholders which shall be evidence of the stock held, it shall be signed by the president and countersigned by the clerk. The stock shall be transferable on the books of the corporation only personally or by agent or attorney, or by the administrator, executor, trustee or guardian, but such stock shall at all times be holden by the corporation, for any dues from the holder there-

of to the corporation.

Sec. 5. The stock property and business of said corporation shall be managed and conducted by three directors, who shall be stockholders, and who shall respectfully hold their office for one year and until their suc-

cessors should be chosen and qualified.

SEC. 6. That as soon as ten thousand dollars of stock shall have been subscribed, the person or persons so opening the books of subscription shall give at least ten days notice by publication in some public newspaper printed in Terre Haute or Greencastle of the time and place at which the stockholders shall meet and hold an election for said directors, and the votes may be given in person or by proxy.

SEC. 7. All elections shall be by ballot, and one vote shall be allowed

for each share.

SEC. 8. The directors aforesaid shall elect one of their number to be president, and in case of a vacancy in the office, the remaining directors may fill the same by appointment, until the next election thereafter; they also shall have power to fill all vacancies in their own body, and choose one clerk and treasurer, whose liabilities to said company as well their tenure of office shall be governed by said directors.

SEC. 9. That in case it shall happen at any time, that an election shall not be made on any day appointed therefor, the said board of directors, or a majority of them shall have power from time time to order, and appoint other periods and times for such elections as may be necessa-

ry.

SEC. 10. A majority of said directors shall reside in the state of Indiana, and shall form a quorum to transact business, and shall have power to make such by-laws, rules and regulations, not repugnant to this act, the laws and constitution of this state or of the United States as shall appear to them needful and proper, touching the mangement and disposition of the stock, property, estate and effects of the corporation, the duties and conduct of officers and persons employed therein, the election of directors, and all such matters as apportain to the concerns of said institution, and shall have power to employ as many persons as shall be necessary for carrying on the business of said corporation, and allew such pay as to them shall seem just.

Sec. 11. The stock of said corporation shall be assignable and transferable according to such rules and regulations as the board of directors may make and establish, and shall be personal property. But no transfer shall be valid or effectual, until approved by the board and registered by the clerk in a book by him kept for that purpose, which book shall be at all reasonable hours of transacting business, open to the examination of any stockholder, or person having any demand against the corporation, or any member of it, and in case of any member or officer of the company having charge of said book, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence forfeit the sum of one hundred dollars one moiety thereof to the Owen county seminary, and the other to him who will sue for the same, by action of debt in any court of record together with costs of suit.

SEC. 12. That it shall be lawful for said corporation to build and erect houses, dig races, open mines, and do and perform all other things necessary to be done for the prosperity of manufacturing the articles in the

first section herein named.

SEC. 13. Said corporation are hereby authorized to build a bridge across Eel River at or near said Great Falls: Provided, The navigation of the River is not obstructed thereby and the bridge may at any time hereafter be torn down to improve the navigation, and to charge and receive the same tolls as are charged and received at the ferry across White River at Spencer.

SEC. 14. The said corporation shall not contract debts so as to be liable at any one time to a greater amount than the capital stock of the same, and each stockholder shall be liable for debts contracted by said corporation during the time he was or is a stockholder. The process against said corporation shall be by capias ad respondendum, and service on the president or any two of said directors shall be service upon the whole.

SEC. 15. The directors of said corporation shall be individually liable for any excess of debts over the amount of said capital stock contracted

during the time of their administration.

This act is hereby declared a public act, shall be liberally construed for beneficial purposes and shall be in force fifty years from and after its passage, and no longer.

CHAPTER XXVI.

An act to incorporate the Saint Mary's Bridge Company.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act shall be and they are hereby constituted a body corporate by the name and style of the "Saint Mary's Bridge company" and by that name shall be capable of holding real estate sufficient for carrying into effect the pur-

poses of this act, and of suing and being sued and of defending and being defended in law and equity, in all courts whatsoever, and shall have authority to ordain and establish such by-laws, rules and regulations not repugnant to the laws of this state as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. That F. D. Lasselle, Asa Fairfield, Lewis H. Davis, and M. W. Habble, shall be commissioners to open books for securing subscription to the capital stock of said corporation and the said books shall be opened on or before the first Monday in June 1837, and each of said commissioners may receive subscriptions.

SEC. 3. The capital stock of said corporation shall be one thousand dollars, with leave to increase the same to any sum not exceeding five

thousand, divided into shares of ten dollars each.

SEC. 4. That the said corporation may erect a toll bridge across the Saint Mary's river at or near the mills of Lewis H. Davis, on said river

near Fort Wayne in the county of Allen.

SEC. 5. That this corporation shall in all respects be governed and regulated by the provisions, restrictions, and limitations contained in the charter for the Fort Wayne and Saint Mary's bridge company, approved February 1st, 1834, and this charter shall be limited to the term of fifty years.

This act to take effect and be in force from and after its passage.

The said comprehensial and contract dibbs some to be limbe

CHAPTER XXVII.

An Act to incorporate the Fort Wayne and Maumee Bridge Company.

(APPROVED, JANUARY 21, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body corporate by the name and style of the "Fort Wayne and Maumee Bridge Company," for the term of fifty years; and by that name and style, shall be capable of holding real estate sufficient to carry into effect the purposes of this act, and of suing and being sued, defending and being defended in law and equity, in all courts whatsoever; and shall have authority to make, ordain and establish such by laws, rules and regulations, not repugnant to the laws and constitution of this State, or of the United States, as shall be necessary for the management and good government of said corporation.

SEC. 2. That the capital stock of said company shall be ten thousand dollars, or so much thereof as is necessary to carry into effect the object of this act of incorporation; said capital stock shall be divided into shares

of twenty-five dollars each.

SEC. 3. Francis Compart, Marshall S. Wines, Allen Hamilton, Stephen Coles and Samuel Hanna, of the county of Allen, be, and they are hereby appointed commissioners, to open books for receiving subscriptions to the capital stock of said company; and the said books shall be opened on or before the first day of July next, and each of said commissioners after the books are opened as aforesaid, may individually receive sub-

scriptions for said company.

SEC. 4. That whenever one thousand dollars shall be subscribed in shares as aforesaid, as stock of said corporation, the said commissioners or a majority of them, shall cause an advertisement to be inserted in a newspaper printed in Fort Wayne, if any, and if none, by written advertisement, set up in some public place in the town of Fort Wayne, giving at least two weeks notice, of the time and place of holding an election for directors, for said company; and at the place named by said commissioners, the stockholders shall choose seven directors, being stockholders of said corperation, who shall serve one year, and until their successors are elected; a majority of whom shall be a quorum to transact business. An annual election for directors shall be held at such time and place as the directors elect shall appoint. The directors thus chosen, shall as soon thereafter as practicable, choose one of their body to be president of their board, and appoint a secretary, and such other officers as may be necessary: Provided, That should the stockholders neglect or fail at any annual election to elect directors, the corporation on that account shall not be disolved, but the president and directors, for the time being, shall continue to exercise the duties of their office until their successors are chosen by the stockholders.

SEC. 5. The directors may demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they may think proper, not exceeding twenty five per cent. of the amount of stock every thirty days; by giving written notice to the stockholders, stating the amount on each share demanded and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay the requisition of the directors within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with two per cent. a month interest thereon from the delinquent; and if the amount cannot be made on execution, or if such delinquent is out of the State, the corporation, by their directors, may declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation.

SEC. 6. The corporation may erect a bridge across the Maumee river at any point agreed upon by a majority of the stockholders, each stockholder being entitled to one vote for each share owned in said corporation; Provided, That said bridge shall be located at some point between the mouth of the St. Mary's river and the lower side of the ripple at Homer's ford, in the county of Allen; and the said corporation shall have, and may use the writ of ad quod damnum, and the benefits arising from the law allowing such writ, for the purposes of having condemned the necessary quantity of ground for the erection of the abutments, toll house and the necessary causeways, blodd was sall ad boding and gran an enough by

SEC. 7. Whenever said bridge shall be completed, the said corporation may erect a gate at either end of said bridge, and demand and receive a toll not exceeding the following rates, to wit: every four wheeled carriage drawn by two horses or oxen, twenty five cents; for each additional horse or ox attached to the carriage, six and a fourth cents; every two wheeled pleasure carriage, twenty-five cents; for every wagon, sleigh, sled, cutter or cart, drawn by one horse, eighteen and three-fourth cents; and for each additional horse, six and a fourth cents; for each man and horse, twelve and a half cents; for each horse or mule, six and a fourth cents; for each head of neat cattle, three cents; for every sheep or hog, one cent; for every foot passenger, six and a fourth cents, and in analogous proportions of the foregoing rates for any other animals or carriages. But all persons going to or returning from places of religious worship, going to or returning from muster; when doing militia duty, and all funeral processions, shall be exempt from paying toll.

SEC. 8. If any person shall willfully impair or injure the said bridge, he, she, or they, so offending, shall forfeit and pay to the corporation treble the amount it may cost to repair the same, with costs of suit to be recovered on conviction thereof, before any court of competent juris-

diction.

SEC. 9. If any person sahll forcibly pass the gates without paying the legal toll, he shall forfeit and pay to the said corporation eight times the amount of the legal toll, to be recovered by an action of debt

before any justice of the peace in said county of Allen.

SEC. 10. If any toll gatherer shall unreasonably delay or hinder any passengers at the gate, or shall receive or demand more than the legal tolk, he shall for every such offence forfeit the sum of five dollars to be recovered with costs before a justice of the peace to the use of the person so delayed, hindered or defrauded.

SEC. 11. If said bridge shall not be constructed within five years from the passage of this act, then and in that case, this act shall be null and void, otherwise to be and remain in full force and virtue for the term of

fifty years.

SEC. 12. Certificates of stock shall be given to stockholders, which shall be evidence of stock held; they shall be signed by the president, and countersigned by the directory. The stock shall be transferable on the books of the corporation only, but such stock shall be holden by the corporation for any debts due from the holders thereof to the corporation.

SEC. 13. It shall be the duty of the corporation to cause a full statement of the affairs of the corporation, to be made and executed to the stockholders at every annual election of the directors, or at least once a year, and subject to the inspection of any one of the stockholders. The president and directors shall fill all vacancies that may happen in their body; they may sit on their own adjournments, or on a call of the president, and when the president is absent the directors may elect a president pro tem.

SEC. 14. In all elections each stockholder shall be entitled to one vote for each share he holds either in person or by proxy under such re-

gulations as may be prescribed by the stockholders.

SEC. 15. Half yearly dividends shall be made of so much of the profits, as the corporation may deem expedient, on the first Mondays of January and July annually, and paid to the stockholders, as soon thereafter as it can be done, but no dividend shall be made to a greater amount than the nett profits after deducting all the expenses.

SEC. 16. The said corporation shall not at any time nor in any manner

obstruct or otherwise hinder the navigation of the Maumee river.

Con, and until sale a second that they not

This act to take effect and be in force from and after its passage.

CHAPTER XXVIII.

An Act to incorporate the Hartford Steam Mill and Manufacturing Company.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That for the purpose of building and managing a steam mill for grinding grain, and driving such other machinery as may be attached to said mill for manufacturing purposes and carrying on the business incident thereto, in or near to the town of Hartford in the county of Dearborn, William Gerrard, Nathaniel L. Squibb, Jonathan Harpham, Mahlon Brown, Edmund R. Squibb, Allen Wilber, Benjamin Walker and their associates be, and they are hereby constituted a body politic and corporate, by the name and style of the Hartford Steam Mill and Manufacturing Company, and by such name and style shall have full and complete power to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any court having competent jurisdiction.

SEC. 2. The process against said corporation shall be by summons, which being executed on any director or president thereof, hereinafter mentioned, the further proceedings shall be the same as against natural

SEC. 3. The said corporation may have and use a common seal, and the same may alter or change at pleasure, and shall be capable of purchasing, holding, using and conveying any property or estate, either real or personal, that may, by them, be deemed necessary in prosecuting the business aforesaid.

SEC. 4. The capital stock of said corporation shall be sixty thousand dollars, and shall be divided into shares of fifty dollars each, but it shall be lawful for said corporation to commence said business, when and so soon as three thousand dollars shall have been subscribed for, and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital, which they are authorised to do, from time to time, to the amount hereinbefore mentioned.

SEC. 5. The subscriptions to the said stock shall be opened under the direction of William Gerrard, Benjamin Walker and Jonathan Hurpham

or any two of them, who are hereby appointed commissioners for that purpose and authorised to receive subscriptions to the said capital stock, on such days and at such place (after the passage of this act) at Hartford, as they shall appoint, and that the sum of five dollars on each share shall be paid to the commissioners, previous to the election for directors.

Sec. 6. The stock, property and concerns shall be managed and conducted by five directors, who shall be stockholders in said corporation, one of whom to be president, who may respectively hold their offices one year and until their successors shall be elected and qualified: Provided, That the directors first elected shall hold their offices until the second Monday of July succeeding their election, and until others are elected and quali-

fied in their stead.

SEC. 7. So soon as the sum of three thousand dollars shall have been subscribed and the sum of five dollars shall have been paid on each share pursuant to the requisitions of this act, the commissioners appointed by the fifth section of this act shall give notice by written advertisements posted up in five public places in said county or by publishing the same in some public newspaper printed in said county, for an election of directors on such day and at such place in the town of Hartford as said commissioners or a majority of them may designate, which notice shall be given at least ten days prior to such election.

SEC. 8. The directors of said corporation shall be chosen annually on the second Monday in July in each year, at such place in the town of Hartford as a majority of the directors for the time being may prescribe: of which elections notice shall be given at least ten days by written advertisements posted up in five public places in said county of Dearborn, or by publication in some public newspaper printed in said county.

SEC. 9. The first election herein contemplated, shall be held under the direction and inspection of the commissioners before mentioned, and all subsequent elections under the inspection of the directors for the time

being.

SEC. 10. All elections shall be by ballot, and a majority of all the votes present (allowing one vote for each share) shall be necessary to a choice.

SEC. 11. The directors chosen under the provisions of this act, as soon as may be after their election, shall proceed to elect one of their number president, and if any vacancy shall at any time happen among the directors by death or otherwise, such vacancy shall be filled for the remainder of the term by the directors then in office.

SEC. 12. In case it shall happen at any time that an election of directors should not be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold an election for directors in such manner as shall be regulated by the by-

laws and ordinances of said corporation.

SEC. 13. A majority of the board of directors for the time being shall form a board or quorum for the transaction of all the business of said corporation, and shall have power to prescribe and make such by-laws and regulations, (not repugnant to the laws and constitution of the United States or of this state) as shall seem to them needful and proper touching the management and disposition of property, estate and effects of the said

corporation, the duty and conduct of the officers and men employed therein the election of directors and all such matters as appertain to the concerns of said institution, and shall have power to employ as many persons as shall be necessary for carrying on the business of said corporation.

SEC 14. The stock of said company shall be assignable and transferable according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property: Provided, That no transfer of stock shall be valid or effectual until the same shall have been registered in a book to be kept for that purpose by the president, which book shall at all reasonable hours of transacting business, be open to the examination of any stockholder or any person having any demand against said corporation, and in case any officer of the company having charge of such book shall refuse to let the same be examined as aforesaid, he shall for every such offence, forfeit the sum of one hundred dollars one moiety to the Dearborn county seminary and the other moiety to him who will sue for the same by action of debt in any court of competent jurisdiction together with costs of suit.

SEC. 15. The directors shall at all times keep or cause to be kept at some proper place, proper books of accounts, in which shall be entered all the transactions of said corporation, which books shall at all times be

subject to the inspection of the stockholders of said company.

SEC. 16. That said stockholders shall each be liable to all creditors in his individual capacity, on a failure of a sufficiency of property belonging

to said company.

SEC. 17. The directors shall have full power to receive and by due course of law to collect all subscriptions in writing for the purpose of raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to recover ten per centum damages on any instalment of stock which shall not be paid pursuant to the requisitions of the board after ten days notice to the subscriber that the same is due.

SEC. 18. The corporation hereby created shall not engage in any bank.

ing business whatever.

SEC. 19. This charter shall be and is hereby limited to the term of fifty

years from and after the first day of March, 1837.

SEC. 20. This act shall be and the same is hereby declared to be a public act and shall take effect from and after its passage.

CHAPTER XXIX.

An act to incorporate the Clay County Seminary Trustees.

(Approved, february 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Osborn, John Risley, John Layne, James Gildea, and Charles

Cunningham and their successors in office are hereby constituted a body politic and corporate by the name and style of "the president and trustees of the Clay county seminary," and by said corporate name may sue and be sued, plead and be impleaded in any court in this state, and by that name have perpetual succession, they shall in law and by the said name be capable of purchasing, buying, selling and conveying any property either real or personal, for the use of said seminary, they shall further be impowered to receive all and singular any subscriptions, grants, gifts, donations, and bequests, which shall be solely appropriated to the use and benefit of said seminary, in such manner as said trustees shall deem most profitable and expedient.

SEC. 2. That the said Trustees shall meet in the town of Bowlingreen, at such time and place as a majority of them may agree upon and elect of their own body a president and secretary, and also a treasurer who shall not be of their body, to continue in office during the pleasure of said board of trustees who shall have power at any time to remove them

or either of them from office and to fill the vacancy.

SEC. 3. Such treasurer before he enters upon the duties of his office, shall execute a bond payable to the state of Indiana in the penal sum of one thousand dollars conditioned for the faithful performance of his trust and that he will pay over to the order of said trustees all moneys that may come into his hands as such treasurer and for the delivery to his successor in office all moneys, books, bonds, notes, papers, and other valuable things whatsoever and shall also take an oath of office before some justice for the due performance of his duties.

SEC. 4. Said trustees shall purchase a book in which the said secretary shall record all their proceedings, each day's proceedings (after correction if necessary) shall be signed by the president and countersigned by

the secretary.

SEC. 5. No money shall be paid over but upon the order of the trustees entered of record; a copy of such order certified by said secretary shall be sufficient authority for the treasurer to pay over the amount to the

proper person.

SEC. 6. The board of trustees shall have full power from time to time to make such by laws, ordinances, and regulations not inconsistent with the constitution and laws of this state as they may deem advisable for the good government of said seminary, or of the students, pupils, professors, or teachers, thereof, and the same to put in execution, revoke, repeal, alter amend, or make anew, as to them may seem just and right.

Sec. 7. Said trustees shall meet when and where, and as often as they may think necessary and a majority of said board, shall constitute a quorum for the transaction of any business by this act authorised provided that in all cases where a meeting is held otherwise than on adjournment the president shall give notice thereof to the members of said board.

SEC. 8. The board of trustees shall be authorized to demand and receive of the present trustee or any former trustee of the seminary fund of said county, all moneys, books, notes and papers belonging to said seminary fund in his hands, and to settle with any such trustee in relation thereto, and to institute one or more suits in law in their corporate name and style

for their use as such body corporate, as the case may be, against said trustee, and recover a judgment thereon, and be entitled to execution, or other remedy, as in other cases, the proceeds of which judgment to form a part of said seminary fund.

SEC. 9. Such board of trustees shall have full power to demand, receive, or bring suit on, and collect any note or other evidence of debt taken or contracted for by any former trustee, and have execution thereon

or other remedy as in other cases.

SEC. 10. That from and after the time that said treasurer is appointed and qualified to act as such, it shall be the duty of all persons having money for the use and benefit of said fund, to pay the same over to the treasurer of said body corporate whose receipt shall be a sufficient voucher for the same, and the said board shall have the right of instituting one or more suits for any such money not so paid over.

SEC. 11. The said treasurer shall keep a just and true account of all moneys by him received in a book to be by him kept for that purpose, and also all moneys by him paid out; and shall receive for his services, such reasonable conpensation as the said board may allow him from time to time, provided that said compensation shall never exceed the fees of the

present seminary trustee.

SEC. 12. The said board shall at their first meeting cause to be opened books for the subscription of stock, in said seminary fund, to be taken in shares of five dollars each, to be paid at such time, and in such manner as the said board may direct; and as soon as the said board shall obtain funds to the amount of five hundred dollars including the present seminary fund, they shall immediately cause to be let to the lowest bidder the building of a seminary in the town of Bowlingreen on such site as they may select, and on such plan as to them may seem best; taking of the contractor bond and security to the satisfaction of the board, conditioned for the faithful performance of said contract; povided, That said seminary may be built on the public seminary lot of said town at the election of the said board of trustees.

SEC. 13. The stockholders shall meet at the seminary, or such other place as the said board may direct on the first Saturday in April 1838, and annually thereafter, and elect five trustees of said seminary in such manner as the board may direct, who shall hold their office for one year, and until their successors are chosen and qualified, who shall be governed in all respects as is provided in this act, each share holder shall have as many votes in said election as they hold shares at the time thereof; Provided, That no person shall be eligible to the office of trustee who shall not be a shareholder at the time.

SEC. 14. Any vacancy which may happen in the office of trustee by death or otherwise shall be filled by the remaining trustees for the time being.

SEC. 15. Said board of trustees shall annually make to the county board of commissioners at their March term a detailed report of all moneys in their hands, and all expenditures by them made, which shall be spread on record by the clerk thereof.

SEC. 16. Each shareholder shall be entitled at the end of every ses-

sion to his equal dividend of any interest or profits arising from said institution in proportion to the number of shares that he holds in said stock.

SEC. 17. The said board may authorize the treasurer to loan any unappropriated part of said fund on good security, for the sufficiency thereof the treasurer shall be held responsible on his bond.

SEC. 18. Notes for the payment of any such loans shall be made pay.

able to the president and trustees of the said seminary.

SEC. 19. Nothing in this act contained shall prevent said board of trustees from appointing the trustees of said seminary fund of said county as

such treasurer.

SEC. 20- As soon as the seminary fund of said county shall accumulate to a sufficient amount to redeem the whole amount of stock subscribed with six per cent. thereon, it shall be the duty of said board to cause the same to be paid over to the several shareholders, and then the said seminary shall be taken and received by the board of commissioners of said county, and governed as other county seminaries in this state, this act notwithstanding.

SEC. 21. This act to take effect and be in force from and after its pas-

ooks for the specifical of stocks is and seminary and, to be taken so

sage.

CHAPTER XXX. to leboms odt of shore

An act to incorporate the Laurel Academy.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act shall be and they are hereby constituted a body corporate, by the name and style of "the Laurel Academy" and by that name to sue, and be sued, to defend, and be defended, in law and equity in all courts whatsoever, have and use a common seal, and the same to alter at pleasure, to purchase, to receive and accept of any grant, gift, donation, bequest or conveyance by any person, company or corporation, of any property real or personal, and to hold, and enjoy, and dispose of the same as may be deemed best for the interest of said academy: Provided it shall not be lawful for said corporation to hold or be the owner of real estate, exclusive of improvements, exceeding in value the sum of twenty thousand dollars, and if by donation, devise, or otherwise, it should become the legal or equitable owner of real estate to a greater value, the same shall be sold by said corporation.

SEC. 2. That Thomas Hendrich, Dr. John M. Howland, Dr. William Anderson, John C. Pitt, George G. Shoup, William Neff, Henry D. Smith and F. A. Conwell shall be commissioners to open books for receiving subscriptions to the capital stock of said corporation. The books to be opened before the first day of May next, reasonable notice being given of the time and place, each commissioner having authority to receive subscriptions.

SEC. 3. The capital stock of said corporation shall be fifty thousand

dollars, divided into shares of fifty dollars each.

Sec. 4. Whenever one hundred shares of stock of said corporation shall be subscribed, the commissioners shall cause to be inserted an advertisement in one of the papers printed in Brookville, giving a reasonable notice of the time and place of the meeting of the stockholders to choose seven trustees, being stockholders of said corporation; as also a secretary and treasurer, to continue in office for the term of one year, and until their successors are chosen, such stockholders being entitled to one vote for each share of stock he may own, except in case of his being in arrears on account of tax that may have been assessed on his share or otherwise, when he shall be entitled to no vote.

SEC. 5. The stockholders after the first year shall have an annual meeting, on the first Monday in May in each year or on such other time and place as the stockholders at their first or any regular meeting shall designate, at which meeting the officers of the corporation shall be elect-

ed for the ensuing year.

SEC. 6. The said Trustees or a majority of them shall at their first or any subsequent meeting, elect of their own body a president who shall preside at all meetings of the trustees and stockholders, and in all cases

have the casting vote.

Sec. 7. The treasurer before he enters upon the duties of his office shall execute a bond payable to the Laurel Academy, in a penal sum not exceeding double the amount of the funds which may probably come into his hands, in the discretion of the trustees, conditional for the faithful performance of his trust, making a true report of the condition of the treasury to said trustees at least once a year, and as often as said trustees shall require and that he will pay over to the order of said trustees all the money that may come into his hands as such treasurer, and to deliver to his successor in office all money, bonds, notes, books, papers, and valuable things whatsoever that may come into his hands as treasurer.--It shall be the duty of the treasurer in the name of the company, to collect all tuition fees, taxes and contributions assessed upon the stockholders and dues whatsoever of the Laurel Academy.

Sec. 8. Said trustees shall purchase a book in which the secretary shall record all their proceedings, as also the proceedings of the stockholders, which shall be from time to time signed by the president, and

attested by the secretary.

Sec. 9. No money shall be paid over but upon the order of the trustees, entered on record as aforesaid; a copy of which order, certified by the secretary, shall be a sufficient authority for the treasurer to pay over the amount to the person in whose favor such order was made.

SEC. 10. The board of trustees shall have full power from time to time to make such by-laws, ordinances and regulation, not inconsistent with the constitution and laws of this State, or of the constitution and laws of the United States, as shall be deemed necessary, for the welfare of said

institution, and to do all other acts in pursuance thereof, necessary for the prosperity of said academy; and whenever they may think the occa-

sion requires it, call a special meeting of the stockholders.

SEC. 11. Said trustees shall meet when and where, and as often as they may deem necessary, and a majority of said board shall constitute a quorum for doing business; Provided however, That in all cases where a meeting is held otherwise than on adjournment, the president shall give or cause to be given, notice of the time and place of such meeting, to each trustee.

SEC. 12. Said trustees shall fill all vacancies occurring in the offices of

the company, until the regular meeting of the stockholders.

Sac. 13. the trustees of said academy shall report annually, at the regular meeting of the stockholders the condition of such school, and give a detailed statement of the receipts and disbursements for the year preceding; a copy of which shall be furnished to the board of county com-

missioners of Franklin county.

SEC. 14. There may be taught in said academy, any of the languages. sciences, fine arts, general literature and such other branches, or departments of education, as the trustees may authorize; and whenever it shall be deemed practicable, the trustees of said academy may establish a female department, under such regulations as they may think will ensure the greatest success and public good.

SEC. 15. Said trustees shall annually appoint a board of visitors, of not less than three nor more than seven, whose duty it shall be, under the direction of the trustees, to examine the qualifications of the instructors, and examine the condition of the scholars who may attend said academy, at

the commencement and close of each term.

SEC. 16. The said trustees shall have power, at any time, to authorize the treasurer to receive, and by due course of law, to cause the collection of any and all subscriptions to the capital stock or any portion there. of, equally assessed on all, in the name of the corporation, together with costs of suit, in any court of competent jurisdiction; and in case any stockholder shall continue in arrear, his privileges as such shall be suspended. and said trustees in their discretion may declare the same to be forfeited, after a lapse of six months: Provided, In no case shall any stockholder be liable beyond the amount of his subscription, and in no case shall the stockholders receive any more money by way of dividend on their shares. than what would be sufficient to re-imburse them for the amounts they may have advanced on the same.

SEC. 17. The stock of said corporation shall be considered as personal property, and shall be assignable and transferable, agreeably to such rules and regulations as the board of trustees may at any time make and prescribe: Provided, That no transactions in capital stock shall be valid until the same be entered on the books of the corporation, nor until all or any claims which said corporation may have against said stockholders, shall

be liquidated.

This act to take effect and be in force from and after its passage.

CHAPTER XXXI.

An act to revive the corporation of the town of Bowlinggreen, in Clay County.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the corporation of the town of Bowlinggreen, Clay county, be, and

the same is hereby revived.

SEC. 2 There shall be held on the first Monday in April next and annually thereafter in the court house an election for the purpose of choosing five trustees of said town which election and trustees shall in all respects be governed by the general laws of this state, providing for the incorporation of towns.

This act to take effect and be in force from and after passage.

CHAPTER XXXII.

An act to incorporate the Richmond Trading and Manufacturing Company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted, by the General Assembly of the State of Indiana, That Levinus King, Warner M. Leeds, John Phelps, Abel Thornberry, Benjamin Fulghum, Atticus Siddall, James R. Mendenhall, Daniel P. Wiggins, William Cox, Eli Brown, Edmund Grover, Job W. Swain, and Daniel Reid, together with all other persons who are or may become stockholders pursuant to this act shall be and they are hereby declared and constituted a body corporate to all intents and purposes, by the name and style of the Richmond Trading and Manufacturing company, by which name they and their successors and assigns shall have continual succession, and be able and capable in law and equity, to sue and be sued, to plead, and be impleaded, defend, and be defended, answer, and be answered unto, in any court of competent jurisdiction, to make and use a common seal, and the same to alter, change, renew at pleasure, and they and their successors as a body corporate by the aforesaid name shall be competent and capable of purchasing, holding, using and conveying any property whatsoever real or personal, which now belongs to, or may hereafter be purchased by said company for the purpose of prosecuting the business of their association, and the said corporation shall exist for fifty years from and after the first day of June 1837.

SEC. 2. The capital stock of said corporation shall not be less than forty thousand dollars, nor more than five hundred thousand dollars in

shares of fifty dollars each.

SEC. 3. The said Livinus King, Warner M. Leeds, John Phelps, Abel Thornburry, Benjamin Fulghun, Atticus Siddall James R. Mendenhall, Daniel P. Wiggins, William Cox, Eli Brown, Edmund Grover, Job W. Swain and Daniel Ried shall act as directors of said corporation until the first Monday in June A. D. 1837, and until others are elected.

SEC. 4. Seven directors shall be chosen annually by the stockholders, the first election to be held on the first Monday in June A. D. 1837, and they shall hold their office for one year and until their successors are chosen under such rules and regulations as the by laws of the corporation may direct: provided that any vacancy by death resignation or otherwise may be filled by the remaining directors until the next annual meeting.

SEC. 5. The stock of said corporation shall be considered as personal property and shall be assignable agreeably to such rules and regulations as the board of directors may make, use and prescribe, but no transaction affecting the capital of said stock shall be valued until the same shall be entered as a matter of record on the book of said company, nor until all or any claims which said company may have against the stockholders

making a transfer shall be relinquished.

SEC. 6. The stockholders of said corporation shall duly be held responsible in their individual capacity for the amount of their respective subscriptions to said stock; provided, that if said company should at any time fail, or become insolvent, and its property should be insufficient to liquidate all just and legal claims, debts, dues and demands, and that the said directors shall have been found guilty of violating any part of the letter and spirit of this charter, or should any agent transcend the orders of said directors, in either case, such directors or agent, or their legal representatives shall become liable to the full amount of such failure or insolvency, otherwise their respective liabilities shall be on an equal footing with other stockholders.

SEC. 7. A majority of the directors shall form a quorum to transact the business of said company, and may enact such by-laws, rules and regulations as they may deem expedient for the government of said corporation not inconsistent with this charter, the laws and constitution of this state and of the United States, and they shall have full power and authority to put into operation, all the designs contemplated by this act.

SEC. 8. The directors shall have power at any time to receive, and by due course of law to coerce the collection of any, and all subscriptions to the capital stock of said corporation, together with all costs of suit, and any tax or damage which they may assess for delinquency or refusal on the part of the subscribers to pay their respective instalments accoraing to the terms of subscription, but such tax shall not exceed twelve and a half per cent. on the amount of stock subscribed by such delinquent.

SEC. 9. The directors shall at all times keep or cause to be kept at some suitable place, proper books of accounts, in which shall be registered all the transactions of said corporation, and said books during all business hours shall be subject to the inspection of the stockholders of said

company.

SEC. 10. The corporation shall not enter into any banking business for the purpose of issuing bills of credit or bills of any description to pass as a

circulating medium.

SEC. 11. The stockholders in said corporation shall be respectively liable for any debts due by, or damages accruing against said corporation during the time they are such stockholders respectively in proportion to the amount of their stock severally held to be recovered by a suit in equity or otherwise; provided, that before such liability shall attach, as aforesaid, there shall a return of nulla bona on an execution issued against said corporation, or an equivalent proceeding.

SEC. 12. This act shall be and the same hereby is, declared to be a public act for the purposes herein specified, and shall take effect and be in force from and after a certified copy thereof shall have been deposit-

ed in the Clerk's office of Wayne county.

CHAPTER XXXIII.

An Act to incorporate the New Albany Guards.

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Jared C. Jocelyn, P. M. Dorsey and W. L. Willson and their associates and successors be, and they are hereby constituted and declared to be a body corporate and politic by the name and style of "THE NEW ALBANY GUARDS," and by that name shall have perpetual succession, with full power and authority to contract, and be contracted with, to sue and be sued, plead and be impleaded in any court of law and equity, to make, have and use a common seal, and the same to alter at pleasure; they shall have power to elect their own officers, to make, ordain, establish and enforce such by-laws, rules, and ordinances not inconsistent with the constitution and laws of the United States, or of this state, as they shall deem necessary for the welfare of said company, and to do all other acts in pursuance thereof necessary for their prosperty and good government of the same.

SEC. 2. All officers of said company shall be commissioned by the governor of the state of Indiana and all resignations shall be made to him.

SEC. 3. Said company shall be subject to the civil power and ready whenever called on by the same to turn out for the purpose of aiding in quelling and surpressing all riots and insurrections which may happen

within the county of Floyd.

SEC. 4. Said company shall have power to assess and collect such fines for non-attendance on parade at any muster of said company not exceeding five dollars per day, and such fines for deficiency inequipments not exceeding one dollar for each article, as may be established by the by-laws of said company. They shall also have power to expel from said company, or punish by fine not exceeding five dollars all contempts or disobedience of order, or unsoldier-like conduct on parade; and all fines as-

sessed by said company may be sued for by action of debt in the corporate name of said company, and collected before any justice of the peace or other court having jurisdiction thereof.

SEC. 5. All fines collected by said company shall be for the exclusive use of the same to be applied towards procuring colors, instruments of field music and other articles of equipment, and for teaching music in

the same.

SEC. 6. All persons who shall serve for the full term of five years as a member of said company from and after the passage of this act, shall thereafter be exempt from all militia duty in this state except called on in case of insurrection or invasion.

SEC. 7. That nothing in this act contained shall be construed to exempt said company from subordination in all respects to the militia law of this state when the regiment within the boundaries of which such company is situate shall regularly organise and perform duty according to laws of this state.

This act to take effect, and be in force from and after its passage.

CHAPTER XXXIV.

An act to incorporate the Williamsport, Warren county Bridge company.

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body corporate, by the name and style, of the "Williamsport Warren county Bridge company" and by that name shall be capable of holding real estate sufficient, not exceeding thirty thousand dollars, to carry into effect the purposes of this act, and of suing and being succ', defending and being defended in law and equity, in all courts whatsoever, and shall have power and authority to establish such by laws, rules and regulations not repugnant with the constitution or the laws of this state or of the United States, as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. The capital stock of said corporation shall be thirty thousand

dollars divided into shares of fifty dollars each.

SEC. 3. That James Goodwin, Henry Lowry, Nathaniel Cunningham, James H. Buell, James McDonald and James Cunningham of the county of Warren, and Israel T. Canby of the county of Montgomery, shall be commissioners to open books for receiving subscriptions to the capital stock of the said corporation; and the said books shall be opened on or before the first day of October, 1837, and each of said commissioners may receive subscriptions.

SEC. 4. Whenever one hundred and fifty shares of the said corpora-

vertised in some newspaper printed in Covington, giving at least three weeks' notice of the time and place of meeting of the subscribers, to choose directors and at the time and place appointed, the stockholders shall choose seven directors being stockholders of the said corporation a quorum of whom shall be competent to transact business. A new election of directors shall be annually, at such time and place as the stockholders at their first meeting shall appoint the directors chosen at any election shall as soon thereafter, as may be choose out of their number one person to be president and also shall appoint a secretary and treasurer.

SEC. 5. The directors may demand from the stockholders respectively, all such sums of money by them subscribed at such times and in such portion as they may think proper and in the penalty of forfeiting their

respective shares, and all previous payments thereon.

SEC. 6. The said corporation may erect a Bridge across the Wabash river at the town of Williamsport at such place as shall be deemed most advisable.

SEC. 7. The said Bridge shall be built not less than twenty feet wide and shall be well secured by railing on each side not less than four feet

high.

Sec. 8. Whenever said Bridge shall be completed, the said corporation may erect a gate at either end of said Bridge, and demand and receive a toll not exceeding the following rates, to wit: for every four wheeled pleasure carriage drawn by two horses fifty cents, if drawn by four horses sixty-two cents; every two wheeled pleasure carriage, thirty-one cents; every wagon or cart drawn by two horses or oxen, thirty seven cents, and if drawn by four horses or oxen seventy-five cents; and for each additional span of horses or oxen, twenty-five cents; each sled or sleigh drawn by two horses or oxen, thirty-one cents; every one horse cart, wagon, sled, sleigh or cutter twenty-five cents; every man and horse, twelve cents; every foot passenger, six cents; every horse, jack, mule or head of neat cattle, five cents; every sheep, goat or hog, three cents.

SEC. 9. If any person shall wilfully impair or injure said bridge, he, she or they so offending, shall forfeit and pay to said corporation the sum of twenty dollars, to be recovered with costs of suit, and shall also be liable to pay said corporation ten fold the amount of damages sustained with cost of suit, to be recovered in an action of trespass in any court of

competent jurisdiction.

SEC. 10. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay the said corporation, ten times the amount of the legal toll, to be recovered by an action of debt before

a justice of the peace.

SEC. 11. If any toll-gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, he shall for every such offence forfeit the sum of five dollars, to be recovered with costs, before a justice of the peace to the use of the person so unreasonably delayed, hindered or defrauded.

SEC. 12. If said Bridge shall not be commenced within three years,

and finished in eight years from the passage of this act, then and in that case this act shall be null and void, otherwise remain in full force.

SEC. 13. The navigation of Wabash river shall be preserved free from obstruction, and the Bridge shall be built in such a manner as to admit all boats and water crafts, to pass it, so as not to obstruct the navigation of the same and which may be removed hereafter by the state for the improvement of the navigation of said river if necessary.

SEC. 14. The privilege herein granted, shall extend for a period of fifty

years and no longer, unless by legislative action.

CHAPTER XXXV.

An act to extend the powers of the President and Trustees of the Corporation of Crawfordsville, Montgomery County.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the corporate limits of the corporation of the town of Crawfordsville, be and hereby is extended to and over all in-lots laid off and set apart as additions to said town of Crawfordsville, or that may hereafter be laid out; and the President and Trustees shall have as full power and jurisdiction as in or over the original town plat.

This act to take effect from and after its passage.

CHAPTER XXXVI.

An Act to Incorporate the Liverpool Bridge Company.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this Act, shall be and they are hereby constituted, a body corporate, by the name and style of "The Liverpool Bridge Company" and by that named shall be capable of holding Real Estate sufficient for carrying into effect the purposes of this Act, and of suing and being sued, defend and being defended, in law and in equity, in all courts whatsoever; and shall have authority to ordain and establish such by-laws, rules, and regulations, not repugnant to the Constitution or Laws of this State or the United States, as shall from time to time, be found necessary for the management and good government of said corporation.

SEC. 2. That Doct. Nathaniel Davis, Henry Frederickson, John B. Chapman, Joshua V. Johns, and George Earle, shall be commissioners to open books at the town of Liverpool, in the county of Lake, for receiving subscription to the capital stock of said corporation; and the said books shall be open on or before the first day of May 1837, by giving public notice ten days previous thereto in the Michigan City Gazette or the La Porte Herald.

SEC. 3. The capital stock of said company shall be three thousand five

hundred dollars, divided into shares of twenty five dollars each.

Sign. 4. Whenever seventy shares of the stock of said company shall be subscribed, the commissioners shall cause an advertisement to be inserted in the Michigan City Gazette, or La Porte Herald, giving at least three weeks notice of the time and place of the meeting of the subscribers to choose directors, and at the same time and place appointed, the stockholders shall chose seven directors, being stockholders if the said corporation, a quorum of whom shall be competent to transact business, a new election of directors shall be held annually at such time and place as the stockholders at their first meeting shall appoint. The directors chosen at any election shall, as soon thereafter as may be convenient choose out of their number one person to be president, who shall appoint a secretary and treasurer.

SEC. 5. The directors may demand from the stockholders respectively all such sums of money, by them subscribed, at such times and in such proportions, as they may think proper, and after ten day's notice thereof, if not paid, such share or shares shall be forfeited for the benefit of the said corporation and all payments thereon.

SEC. 6. The said corporation may erect a toll bridge at the crossing of Deep River at Liverpool in Lake county where the Michigan City and

Peoria Road crosses said River.

SEC. 7. Whenever said bridge shall be completed, the said corporation may erect a gate at either end of the said bridge and demand and receive a toll not exceeding the followin grates, to wit, every four wheeled pleasure carriage, drawn by two horse, twenty five cents, if drawn by four horses, thirty one cents, every two wheeled pleasure carriage twelve and an half aents; every wagon and cart drawn by two horses or oxen nine-teen cents, if drawn by four horses or oxen twenty five cents, each sled or sleigh and two horses or oxen, twelve and an half cents, every one horse cart, wagon, sleigh or cutter and every man and horse, six and a quarter cents; all foot passengers free, every horse, jack, or mule or head of neat cattle, two cents, every sheep or hog one cent. But all persons going to, or returning from places of religious worship, going to or returning from a grist mill, with a grist, going to or returning from training, when doing duty in the militia; and all citizens of Lake county, shall be exempt from paying toll.

Sec. 8. If any person or persons shall wilfully impair or injure said bridge, he, she, or they so offending shall forfeit and pay to said corporation treble the amount it may cost to repair the same with costs of suit, to be recovered on conviction thereof before any court of competent jurisdiction.

SEC. 9. It any person shall forcibly pass the gate without having paid the toll, or shall impose him, her, or themselves upon the said corporation as free passenger or passengers under this Act shall forfeit and pay to the said coporation the sum of five dollars to be recovered by an action of debt before a justice of the peace, with costs of suit.

SEC. 10. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or, shall receive or demand, more than the legal toll, he shall for every such offence forfeit and pay the sum of five dollars, to be recovered with costs before a justice of the peace, to the use of the

person so unreasonably hindred, delayed, or defrauded.

SEC. 11. If the said bridge shall not be constructed in four years from the passage of this Act, then in that case, this Act shall be null and voids

otherwise remain in full force and virtue for fifty years.

SEC. 12. In all elections for Directors, each stockholder shall be entitled to vote, either in person or by proxy, under such regulations, as may be prescribed by the stockholders, according to the following scale, to wit: for each share not exceeding five shares, one vote; for every two shares above five and under fifteen, one vote; for every three shares above fifteen and not exceeding thirty, one vote; for every five shares above thirty, one vote.

SEC. 13. Half yearly dividends of so much of the profits as the corporation may deem expedient shall be made on the first Monday's in Jans. ary and July annually, unless the directors fix on a different day, and paid to the several stockholders, as soon thereafter as it can, with convenience be done. But no dividend shall be made, to a greater amount

than the nett profits, after deducting all expenses.

SEC. 14. In case the corporation shall deem the present amount of capital insufficient for the purposes herein named, the said corporationis hereby authorized to extend the capital stock to any amount not exceeding five thousand dollars.

SEC. 15. But the navigation of said river shall not be obstructed or injured by said bridge, and the state reserves the right at any time to improve the navigation, in any manner deemed most expedient.

CHAPTER XXXVII.

An Act to incorporate the Hendricks County Seminary.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That William L. Matlock, Jeremiah Depew, Symon T. Hadley, William S. Crawford, James M. Gregg, Samuel A. Vorbreke, and Henry M. Vorees and their successors in office are herby constituted a body conporate and politic, by the name and style of "The president and Trus tees of the Hendricks County Seminary," and by and in their corporate name may sue and be sued, plead and be impleaded in any court having competent jurisdiction thereof in this State, and by that name have perpetual succession. They shall in law, and by their corporate name, be capable of purchasing, holding, buying, selling and conveying any property, either real or personal, for the use of said seminary, whether by legal or equitable title; and they shall also have the power, if it becomes necessary in their opinion, to raise a sum of money sufficient to build said seminary, to receive subscriptions from any person or persons, and to pledge the seminary fund that may accrue to said county, from and after the completion of said seminary, to refund the money so subscribed by such person or persons in equal proportions to the amount by him or them subscribed, without interest thereon. They shall further be impowered to receive all and singular, any gift, subscriptions, grants, donations, and bequests, which shall be solely appropriated to the use and benefit of said seminary in such manner as such trustees shall deem most profitable and expedient. They shall be entitled to, and have a right to demand and receive all seminary funds, or money which may be due by fine or otherwise, or which may become due hereafter, or which is now due and on

SEC. 2. And the said trustees shall meet in the town of Danville, in said county, on the last Saturday in February, 1837, or upon any subsequent day that said trustees shall deem expedient, and determine in what part of the town of Danville in said county such seminary shall be located; and a suitable building for that purpose erected, a majority of said

trustees agreeing thereto.

SEC. 3. Upon a majority of said trustees selecting and purchasing a suitable lot or parcel of ground, to erect thereon a building for a county seminary, as aforesaid, all of which shall be at their discretion, and after having procured a conveyance thereof to them as such body corporate, they may demand, receive and appropriate all the seminary funds of said county that are now or may be on hand, at any time before the final con.pletion of said seminary. And if said seminary funds, together with such sums of money as may be obtained by subscription or donation, are not deemed sufficient by a majority of said trustees to erect and complete such building, then and in that case, they are authorized to open a book for the purpose of receiving subscriptions of money from any person or persons, until they shall have received money sufficient to erect said seminary, pledging to such person or persons that may subscribe, the seminary fund that may thereafter accrue to raid county, by fine or otherwise, in equal proportions to the several amounts, by them severally subscribed, to be refunded as aforesaid, by said trustees, without interest thereon, to such person or persons so subscribing as aforesaid.

SEC. 4. The said trustees, or a majority of them, shall at their first meeting, or any subsequent meeting, elect out of their own body, a president and secretary, and also a treasurer, who shall not be of their own body, to continue in office during good behavior. Provided, That said trustees shrll have power to remove either of them from office at any time for mis-feasance, male-feasance, or non-feasance in office, and to fill the vacancy.

SEC. 5. Such treasurer, before he enters upon the duties of his office. shall execute a bond payable to the State of Indiana, in a penal sum not exceeding double the amount of funds, notes and debts that may probably come into his hands in the discretion of said trustees, conditioned for the faithful performance of his trust, and that he will pay over to the order of said trustees all moneys that may come into his hands as such treasurer; and to deliver to his successor in office, all moneys, bonds, books, notes, papers and other valuable things whatsoever, that may come into his hands as such treasurer; and shall also take an oath before some justice of the peace for the due performance of the duties of his effice.

SEC. 6. Said trustees shall purchase a book in which said trustees shall record all their proceedings; each days proceeding shall be read over in the hearing of said board of trustees, and after correction, if necessary, shall be signed by the president and attested by the secretary.

SEC. 7. No money shall be paid over but upon the order of the trustees, which order shall be entered on the record, and a copy thereof duly certified by the secretary, shall be sufficient authority for the treasurer to pay over the amount to the person or persons in whose favor such order was made.

SEC. 8. The board of trustees shall have full power from time to time to make such by laws, ordinances and regulations, not inconsistent with the constitution and laws of this State, or of the United States, as they may deem advisable, for the good government of said seminary, or of students, pupils, professors and teachers thereof, and the same to be put into execution, revoke, repeal, alter, amend or make anew, as to them shall seem proper and right.

SEC. 9. Said truspees shall meet at the court house in the town of Danville, on the first Saturdays in March, May, September and December in each and every year, and as much oftener as they may deem necessary and proper for them to meet, and a majority of said board of trustees shall constitute a quorum for the exercise of any power, or the transaction of any business by them, as contemplated by this act.

SEC. 10. Said body corporate may make any contract, whether through or by any agent or otherwise, either sealed, written, or by parol; may procure bonds to be made payable to them by their corporate name, conditioned for the performance of conditions or otherwise, and be liable to sue and be sued, as the case may be, on any such contract or bond.

SEC. 11. That from and after the time that said treasurer shall have been appointed and qualified to act as aforesaid, it shall be the duty of all persons having money for the use and benefit of said fund to pay the same over to the treasurer of said body corporate, whose receipt shall be a sufficient voucher for the same. And said board shall have the right of instituting suit or suits for all such moneys not paid over according to this act.

SEC. 12. The treasurer shall keep a just account of all moneys by him received, in a book to be kept by him for that purpose; and said treasurer shall receive for his services, such reasonable compensation, as the said board of trustees shall allow him from time to time, to be paid out of said

seminary fund.

SEC. 13. The board of trustees shall be authorized and are hereby empowered to demand and receive of and from the present trustee or trustees or any former trustee or trustees of the seminary funds of said county, all monies, books, bonds or papers belonging to said seminary fund in his or their hands, and to settle with any trustee or trustees in relation thereto, and to institute suit or suits within any law or equity in their corporate name or for their use as such body corporate (as the case may be) against any such trustee or trustees and recover a judgment or decree thereon as in other cases, and the proceeds of such judgment or decree when collected to form a part of said seminary fund, which judgment or decree shall be lawful interest and ten per cent damages thereon, but no contract made or not given to or by any such trustee or trustees shall be annulled or made void by said board of trustees, but they shall have power and authority to receive and demand of and from their treasurer on their order duly certified by their Secretary their due proportion of all monies paid into his office which may have been received by him from persons conscientiously scrupulous of bearing arms or otherwise, to which the said county of Hendricks is or may be entitled, which order shall be a sufficient voucher to him for the same.

SEC. 14. When the seminary fund shall accumulate sufficiently for the purpose of defraying all the expenses of the construction of said seminary and other expenses and liabilities consequent on the construction thereof, and to discharge all contracts by such trustees made with any person or persons with reference to the constitution of said seminary, then and in that case the trustees may if they think it advisable and expedient, appropriate such fund to the payment of a teacher or teachers so as to reduce the price of tuition, and if practicable to make the same a free

school under the restrictions herein provided.

Sec. 15. The trustees appointed by this act shall hold their offices for five years from and after the first day of March, 1837, and until their successors are elected and qualified, and which successors shall be only seven in number and appointed or elected as herein directed, the board doing county business in and for said county of Hendricks, shall at their first meeting in the month of March, 1842, appoint or elect seven trustees who shall be invested with all the legal authority of the trustees appointed by this act; a majority of said trustees shall constitute a quorum to do business; the said board of trustees appointed or elected by said board doing county business shall hold their offices for three years and until their successors are elected, appointed and qualified, and any vacancy which may occur in the office of either of the board of trustees appointed or elected by said county board doing county business as aforesaid, at any time, by refusal to serve or qualify, or by death, removal or otherwise, shall be filled by the board doing county business in and for said county of Hendricks.

SEC. 16. Any vacancy which may occur in the office of either of the trustees appointed by this act either by refusal to qualify, by death, removal, resignation or otherwise, shall be filled by the remaining trustees

at any time within five years from and after the first day of March, 1837.

SEC. 17. Said trustees shall annually make a detailed report of their proceedings thereon to the board doing county business in and for said county of Hendricks, which report shall be entered at full length on the record.

SEC. 18. The seminary shall not be exclusively confined to any particular branch of education. There may be taught therein any of the languages, sciences, fine arts, ornamental branches, general literature, and all such other branches of education as the trustees may authorise.

SEC. 19. The treasurer shall have all the rights, powers, incidents, and be subject to all the duties and liabilities of the present seminary trustees of said county, subject however to the provisions of this act.

SEC. 20 In all meetings of said trustees the president shall be entitled to a vote, and if the president fails to attend any of the meetings of said trustees, the trustees attending shall appoint a president pro tempora to fill the vacancy during his absence.

SEC. 21. The board may authorize the treasurer to loan any part of said fund on good security for the sufficiency of which such treasurer shall be responsible. Notes for the payment of any such loans, shall be made payable to the president and trustees of the Hendricks county seminary, and their successors in office.

SEC. 22. Said trustees before entering on the duties of their office shall jointly execute a bond with security to be approved of by the clerk of the Hendricks circuit court, and made payable to the State of Indiana, in a penalty of two thousand dollars conditioned for the faithful performance of the duties of their office. Each person subsequently appointed a trustee shall execute a similar bond in a penalty of four hundred dollars, and said bonds shall be filed in the office of the clerk of the Hendricks circuit court.

SEC. 23. Such body corporate may adopt a common seal with such devices as they may direct, a description thereof shall be entered in their record book; *Provided*, That until such private seal is adopted, the said body corporate may use their private seal, or the ink seal of their secretary to authenticate each of their proceedings as may require authentication.

SEC. 24. No part of said seminary fund shall be appropriated to defray any part of the tuition of a sudent or pupil who shall not at the time be a resident of said county of Hendricks.

SEC. 35. The boad doing county business in and for Hendricks county shall allow such compensation to said trustees from time to time as they may deem reasonable and just.

SEC. 26. The legislature reserves to herself the right of amending this act at any time hereafter when it shall become imperiously necessary so to do but not without.

SEC. 27. The provisions of the act entitled "an act regulating county seminaries" approved February 4, 1831, shall not effect this act so far as the same comes within the provisions thereof.

SEC. 28. This act to take effect and be in force from and after its publication in the Indiana Democrat.

CHAPTER XXXVIII.

An Act to incorporate the Washington Hall Company.

[APPROVED FEBRUARY 2, 1837.]

Whereas it has been represented to this General Assembly that the owners and proprietors of the Washington Hall in the town of Indianapolis are desirous of procuring an Act of incorporation, for the purpose of securing the respectability and permanency of the said establishment as a public Hotel—promoting the interests of the proprietors therein, and providing against those casualties and accidents by which partnerships and private associations are liable to be dissolved—Therefore:

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the present owners and proprietors of the Washington Hall in the town of Indianapolis, and their associates and successors, associated by subscription as hereinafter directed, be and they are hereby created a body corporate and politic, by the name and style of "The Washington Hall Company" and by that name shall have perpetual succession and shall be able and capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in any and all courts of competent jurisdiction either at law or inequity. They shall also in their said corporate name be able and capable in law, to contract and be contracted with, to purchase, acquire, hold, possess, have, use, occupy, and enjoy, any and all such real and personal estate, and property, as may be necessary or convenient for the accomplishment of the objects and purposes of their association, and the same or any part thereof, whenever, and as often as may be necessary or convenient for them to lease, rent, mortgage, or sell and convey: Provided. That the real and personal property of the said corporation shall at no time exceed in value the sum of two hundred thousand dollars.

SEC. 2. That the capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shares may be subscribed and paid for as hereinafter directed.

SEC. 3. That Hervey Bates, William H. Morrison, and Henry Bradley, be and they are hereby appointed commissioners to receive the subscriptions for stock of the owners and proprietors of the Washington Hall, and said commissioners or any two of them, first having given due notice to the said owners and proprietors of the Washington Hall, either personally, or by advertisement in one of the public news papers in the town of Indianapolis, at least ten days previous thereto, of the time, and place of such meeting, shall meet at the said Hall at any time after the first day of March next, and then and there open the books to receive from the said owner and proprietors of said Hall, their subscriptions for steck in said company and shall keep the same open until each of the said owners and proprietors shall have subscribed thereto that number of shares

SEC. 4. That the said commissioners after closing said books, shall appoint a time and place for a meeting of the said stockholders for the purpose of electing a president and four directors of said company of which they shall give the said stockholders notice similar to that required by the preceding section, and the said stockholders who may be present at such meeting shall then elect a president and four directors of said company who shall hold their offices until their successors shall be chosen as hereinafter provided, and annually thereafter at such time and place as shall be designated by the by-laws of the said corporation there shall be elected a president and four directors of said company who shall hold their offices

for one year, and until their successors are chosen.

SEC. 5. The owners and proprietors of the Washington Hall may at any time within sixty days, after the organization of the said company by the election of officers as first aforesaid by proper deed or deeds, convey, assign, or transfer, or cause to be conveyed, assigned, or transfered, to the Washington Hall Company in fee simple, the full, and entire establishment, of the Washington Hall and all the real and personal estate thereunto attached, and all the appurtenances thereunto belonging, in full payment and satisfaction of twenty five dollars upon each share of the capital stock of said company so subscribed for by them as aforesaid, which conveyance shall be taken and received by the said president and directors, for and on behalf of said company, as payment and satisfaction of the said sum of twenty five dollars upon each of said shares,

SEC. 6. That in all elections the stockholders may vote in person or by proxy. Each stockholder shall have one vote for each share he may have in the stock of said company, and the person or person having a plurality of the votes given, shall be held, and taken, as duly elected: Provided, that no person who is not at the time of the election a stockholder, shall be eligible to the office of President or director, and any president or director who shall cease to be a stockholder, shall be considered to have

vacated his office.

SEC. 7. That any vacancy which may occur in the office of president or director, may be filled by the remaining president and directors, and any person thus appointed to fill such vacancy, shall hold his office until the next regular election. Any three of the directors, or the president and any two directors may constitute a board for the transaction of busi-

SEC. 8. That the affairs and business of the corporation, shall be solely under the direction, supervision, and control of the president and directors, and they are hereby fully authorized to do and transact the same. And the said president and directors, are authorized and empowered to do, transact, and perform for, and on behalf of said company, all, and whatsoever the said company are by this Act authorized to do, transact, and

perform; and to make, appoint, and employ, and at pleasure, to remove, and discharge, any and all unnecessary attorneys, officers, agents, and servants for transacting, and performing the buisness and affairs of the said corporation, and to allow them a reasonable compensation for their services. The said president, and directors shall appoint a secretary and treasurer for said company who shall be removeable at their pleasure. They shall also keep, or cause to be kept complete books, and entries of all their doings and transactions which shall at all times be open to the inspection of any of the stockholders. They shall also have power to make, ordain, and establish, such rules, ordinances, and by-laws, as may be necessary for their own regulation, for determining the time and manner of the company elections, and for directing the conduct of the officers, agents, and servants of the company, not inconsistent with the laws and constitution of this state, or of the United States. The said president and directors shall also have power to make and adopt a common seal for the said corporation, and the same to break, alter, and change at

pleasure.

SEC. 9. That the said corporation shall, assume, pay, meet, and discharge each, and all the contracts, agreements, undertakings, liabilities, and responsibilities, created, made, or entered into by the said owners and proprietors of the Washington Hall, and subsisting at the time of the organization of the said corporation for, on account of, or in relation to the said Washington Hall property, in the same manner that the said owners and proprietors are, or may be liable to pay, meet, or discharge the same, and the said corporation shall have, and enjoy the full benefits, privileges, and advantages of any, and all such contracts, agreements, and undertakings made by, and with the said owners and proprietors, and may enforce the performance thereof, for the benefit of said company, as fully as the said owners and proprietors could, or might do. And that in all cases where execution shall issue against said corporation; the same shall first be levied of the goods, and chattels, lands, and tenements, belonging to said corporation, as its joint property; and on a return, on such execution of "no property found," or not a sufficiency of property to satisfy such execution; and not until then, another execution may be issued and levied on the goods and chattels, lands and tenements of each or any stockholder, or stockholders of said corporation, to the amount of stock, he, she, or they hold therein, and of each, or any stockholder, or stockholders, who were such, at the time, the debt, demand or liability, on which such execution issues, first accrued against said corporation.

SEC. 10- That the said president and directors may from time to time, and such times as they may think proper open the books of said corporation for the sale of the residue of the said capital stock or any part thereof in such manner and upon such terms as they shall direct; and they shall also have power from time to time, and at all such times as they may think proper to call upon the stockholders for the payment of the balance due for stock, or such portions thereof as they may require which which call shall be equal upon each share of the stock: Provided, That the said president and directors shall give notice to the said stockholders of the amount required, and of the time of payment thereof, either personally

or by advertisement in one of the public newspaper in the town of Indian. apolis, at least two weeks before the time of such required payment. And should any of said stockholders fail or refuse to make such payments as required, the president and directors may in their discretion declare the stock on which such payments should have been made, and all payments thereon to be forfeited, whereupon the same shall be taken and held to be absolutely forfeited to the said company.

SEC- 11. The stock of said company shall be transferable and assignable on the books of said company in such manner as shall be directed by the president and directors, and such stock shall in all respects be held

and considered as personal estate.

SEC. 12. In all such contracts, agreements, and undertakings, as, between natural persons, do not require a seal, the said corporation shall be bound by the signature of the president, and the attestation of the secretary without the seal of said corporation. And all such instruments, covenants, obligation, deeds, and conveyances in which, by law a seal is required shall be signed by the president and directors, or a majority of them, and shall be attested by the secretary, and sealed with the

seal of the corporation.

SEC. 13 The treasurer shall give bond and security to the satisfaction of the president and directors, for the faithful discharge of his duties and fully accounting for all moneys which may come into his hands, as such treasurer. He shall receive all moneys belonging to said corporation, and shall pay the same out on the order of the president and directors. He shall keep full and complete books, and accounts of all his receipts and payments; and as often required by the said president and directors, shall settle and liquidate his accounts with them. The books and accounts of the treasurer shall at all times be open to the inspection of the president and directors and of any of the stockholdes.

SEC. 14. The president and directors shall from time to time and at all such times, as they may think proper make and declare such dividends of the proffits of the company, as they may deem for the interests of the corporation among the stockholders. They may also at any time in their discretion call a meeting of the stockholders giving such notice of the time and place thereof, as is required in the third section of this act. SEC. 15. The president and directors shall receive such compensation

for their services as may be, from time to time determined upon by the

stockholders at their general meetings. SEC. 16. Service of process against the corporation upon the president and secretary thereof shall be held and considered as good service.

SEC. 17. This act for all judicial purposes shall be considered a pub-

lic act and need not be pleaded specially.

SEC. 18. This act to take effect, and be in force from, and after its passage.

CHAPTER XXXIX.

An act to incorporate the town of Cleaveland in Tippecanoe County.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Daniel Nelson, Martin Roads, George W. Anderson, Benjamin Carter and David Cisna, be and they are hereby appointed trustees of the town of Cleaveland in the county of Tippecanoe, to serve as such until the first Monday in September next, and until their successors areelected and qualified as hereinafter directed.

Sec. 2. The said trustees at their first meeting after the passage of this act, shall elect a President from their own body, whose duty it shall be to preside at all meetings of the board, preserve order, put all questions, and upon an equal division of the Board, give the casting vote and shall also sign the minutes and all laws and ordinances of the said corpo-

SEC. 3. That the said president and trustees and their successors in office shall be and are hereby declared to be a body politic and corporate with perpetual succession by the name and style of "the president and trustees of the town of Cleaveland," and by their corporate name shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction and shall have power to make and use a common seal, and the same to break alter and amend at pleasure; to ordain order establish and put into execution and effect such by laws, rules and ordinances as may be necessary and proper for the benefit and convenience of the citizens of said town, and shall also have power to adopt and put in force such laws, ordinances, and regulations as they shall deem necessary for the police, good government and order of said town hereby incorporated, not inconsistent with the constitution and laws of the state, or the constitution and laws of the United States.

SEC. 4. On the first Monday in September, one thousand eight hundred and thirty seven and on the first Monday in September annually thereafter, there shall be an election held at some convenient place in said town to elect by ballot five trustees of which election the trustees or a majority of them shall give ten days previous notice by written advertisement and from thenceforth there shall only be five. And if from any cause an election is not held on the first Monday in September of any year then it shall be lawful to hold such election on any Monday thereafter in the same year: the trustees then incumbent giving ten days previous notice thereof by written advertisements, and a majority of said trustees shall form a quorum, and shall be competent to transact all necessary business at such elections. Each white male inhabitant of said corporation, a citizen of the United States, and twenty one years of age, who shall have the qualifications of a voter for state officers, and shall have resided within the bounds of said corporation six months next preceding such election shall have a right to vote.

SEC. 5. The president of the corporation shall act as inspector of such election: and shall call to his assistance two other qualified electors who with himself shall be judges of the election. They shall appoint a clerk and having taken an oath or affirmation, faithfully to discharge their duties as judges and clerk, shall proceed to receive votes for trustees between the hours of ten o'clock, A. M. and four o'clock P. M. on said days. Provided however, if the president should not be present, the qualified voters shall in that case choose one to act in his place at such election. It shall be the duty of the judges of such election to certify under their hands and seals the names of the five persons who shall have received the highest number of votes; which certificate shall be filed and spread on the record of said corporation by their clerk, whose duty it shall be to deliver a copy of the same to each of the five persons, returned, which certificate shall be sufficient authority for such persons to take his seat as trustee.

SEC. 6. The trustees thus elected, or a majority of them shall meet, and after taking an oath or affirmation to faithfully, diligently and impartially to discharge their duties as trustees, shall elect one of their own body to preside as president at their meetings; but in case of his absence, a president pro tem. may be appointed. No person shall be eligible to the office of trustee unless he is a qualified voter, within the bounds of said corporation. When vacancies occur they shall be filled by the appointment of the board of trustees until the next annual election. A majority shall at all times form a quorum .- They shall meet on their own adjournment or on the call of the prsident; shall appoint all officers necessary to carry into effect the provisions of this act and make such! compensation for their services as to them may appear reasonable; and it shall be the duty of the president to sign the records of all their by laws, and journals or minutes of their proceedings, which shall also be attested by their clerk; and after a copy thereof of a public nature, attested by the clerk, with the seal of the corporation, ten days, such laws and ordinances shall be deemed to be in force, all others to be in force from and after their passage being signed as aforesaid.

Sec. 7. At the first meeting of the president and trustees, after their election in each year, or as soon thereafter as may be convenient, they shall proceed to elect a clerk, treasurer, assessor and marshal, each of whom shall serve one year, and until their successors shall be chosen and qualified. They shall possess the same qualifications as trustees; take similar oaths and give bond and security payable to the president and trustees, conditioned for the faithful discharge of their duties respectively, and on failure to perform all or any part of the conditions of said bond, they shall be liable to pay to the president and trustees aforesaid, the full amount in arrear together with full costs and ten per centum damages from the time the same should have been paid over, until the day of payment; all which may be recovered by motion made before the circuit court ten days previous notice having been given of such intended motion, and for all which such court is required to give judgment against such

officer unless he show good cause to the court why judgement should not be rendered against him and upon which judgement execution may issue returnable within thirty days from the date thereof, without any stay thereon; or on failure to perform all or any part of the conditions of said bonds, the principals and securities, or any two or more or either of them shall be proceeded against by suit in said court, upon his official bond; judgement to be had thereon for the debt, damages, interest and cost above mentioned, upon which execution shall issue returnable as aforesaid.

SEC. 8. The president and trusteess shall have full power to assess and collect a tax on real property, not to exceed one half per centum on its valuation, exclusive of improvement on such property; or any specific article of personal property, a poll tax on each qualified voter, not exceeding thirty seven and a half cents; on all shows exhibitions, or amusements which may be exhibited or performed for gain, which in the opinion of the corporation are demoralizing to society, or calculated to detract from the peace and good order thereof. And in assessing and collecting the annual revenue under the direction of the president and trustees, all assessors and collectors shall be in all respects be governed by the laws which now or may be in force hereafter, regulating the assessment and collection of the state and county revenue, except that the marshal shall make his return for the collection of the annual revenue to the president and trustees.

Sec. 9. It shall be the duty of the marshal to serve all process and orders directed to him by the president, except he is absent, sick or interested in the same, in which case it shall be the duty of the president to name some fit person for that occasion, who shall have the same authorty as the marshal in like cases, and to collect all taxes according to the duplicate of the assessment roll. In the service of such process and in the collection of taxes, whether by distress and sale, or otherwise, the marshal shall be governed by the same rules and, regulations as sheriffs, collectors and constables are directed to observe in similar cases. And in all cases of distress and sale by the marshal of the real or personal property, on process directed to him by the president for the collection of taxes; such sale shall be as valid in law and equity, as if the same had been made by a sheriff, constable or collector, and all certificates and deeds given for the sale of real estate, shall be as binding as if made by the sheriff or collector, and redeemable in like manner.

SEC. 10. The president and trustees shall have power to make and enforce all necessary by laws, ordinances, and regulations to preserve order, regulate and establish markets, to sink and keep in repair public wells; to prevent the erection of public nuisances, or impose a fine upon any person for suffering the same to remain on their lots, and shall have power to remove the same, and to declare what shall be considered a public nuisance; and for this purpose may extend the jurisdiction one half mile beyond the limits of said town; and generally to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of the said incorporate town; and the bounds of said corporation shall extend to the limits of the town plat as it now is or hereafter

may be entered on record in the recorder's office of said county of Tippe-canoe.

SEC. 11. The president shall have power to issue, under the seal of the president and trustees, and the marshal to serve process in any manner relating to any violations of the laws and ordinances of the president and trustees, and to carry the same into as full effect for any violation thereof, as justices of the peace and constables have now or may hereafter have to carry into effect any process issued by virtue of any law of this state, and shall be entitled to receive, and authorised to demand and collect the same fees that are or shall be allowed to justices of the peace and constables for performing similar services. And the president when officiating as authorised in this section, shall keep a record of his proceedings, which record or a copy thereof, certified by him with his private seal, duly attested, shall be evidence in any court.

SEC. 12. It shall be the duty of the keeper of the jail of Tippecanoe county to receive into his custody any prisoner or prisoners who may from time to time be committed to his charge under the authority of said president, and to safely keep every such prisoner according to the warrant or precept of commitment, until he, she, or they shall be discharged

by due course of law.

SEC. 13. The marshal shall be the collector of all the levies of said corporation of what nature soever. He shall be a peace officer, and it shall be his duty to report to the president all violations and infractions of any of the penal regulations of the corporation which may come to his knowl-

edge.

SEC. 14. The annual assessors shall, at or before the secondimeeting of the president and trustees in May, make out a correct roll of the names of all the persons and property or the species thereof assessed, arranged in alphabetical order, and deliver the same to said president and trustees if in session or to the clerk if in recess. And said clerk shall within ten days after such meeting, make out and deliver to the marshal a copy thereof, with the amount of taxes annexed to each person's name respectively, and also a precept in the name of the president and trustees authorising him to proceed in the collection of the same, in the same manner as collectors of the state and county revenue are directed to proceed by virtue of precepts issued and directed to them by the clerk of the circuit court.

SEC. 15. It shall not be lawful for any person or persons within the bounds of the corporation, to sell by a less quantity than one quart at a time, any spirituous liquors, foreign or domestic, or keep what is commonly called a tipling house, unless such person or persons shall in addition to a license obtained from the board of county commissioners, obtain a license from the corporation, who is hereby authorised to grant the same to such applicant for one year, on his her or their paying into the treasury of the corporation, five dollars. And if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she or they so offending, shall, upon conviction thereof, upon presentment or indictment or otherwise before any court having competent jurisdiction thereof, be fined

in any sum not exceeding fifty dollars, for the use of the county seminary in said county. And for the better regulation, peace and good government of the town the corporation is hereby authorised to pass and adopt laws, or ordinauces for the suppression of immorality, intoxication, rioting or whatever may detract from the peace end good order of society.

CHAPTER XL.

An act to incorporate the town of Shelbyville, in Shelby county-

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Sylvan B. Morris, Elisha Baker, Voorhees Conover, John Morrison and Stephen Major, they, and their successors in office are hereby constituted a body politic and corporate under the name of the trustees of the town of Shelbyville with full power to sue and be sued, plead and be impleaded in any court having competent jurisdiction in this state. The trustees above named shall hold their office until the first Monday in May 1838, and until their successors are elected and qualified as hereinafter directed.

SEC. 2. The limits of the corporation of said town shall, for the purposes of taxation and police, shall extend and embrace the plat of said town of Shelbyville including the out lots with any addition or additions which may have been, or may hereafter be made to said plat, as the same is, or may hereafter be entered or extended of record in the recorder's office of the county of Shelby; and for the purpose of police, good government, and for the removal of nuisances, working on roads, suppression of gambling, rioting, horse raceing, tipling, and other immoral and improper conduct. The limits of said corporation shall extend one half mile in every direction from the court house square in said town; Provided, however, it shall be the duty of those liable to work on public roads and highways within the bounds aforesaid, to perform under the direction of the proper officer of said corporation the quantum of labor now required by law within the bounds of the half mile aforesaid; Provided further, That that part of the citizens aforesaid who do not reside within the bounds of the town plat or its additions shall not be called on to perform labour to improve the streets or alleys, or otherwise improve the condition of said town.

SEC. 3. That the powers, duties and restrictions of said corporation, are in all respects the same as the powers, duties and restrictions of the corporation of Belleville in Hendricks county, approved February 8th, 1836; Provided, The trustees appointed in the first section of this act shall perform the duties required in the fourth section of the act hereby adopted on the first Monday in May 1837, annually thereafter there

shall be an election held in some convenient place in said town of Shelbyville for the election of trustees, as contemplated by the fourth section of the act hereby adopted.

This act to take effect and be in force from and after its passage.

CHAPTER XLI.

An act to incorporate the Jeffersonville Iron Manufacturing Company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Keigwin, James G. Read, Andrew Fite, Augustus Moore, H. L. Barnum, William D. Beach and William M. Steele, and these who may associate with them for the purpose of manufacturing iron castings, machinery and other fabricks of a similar nature at or near the town of Jeffersonville, Clark county, Indiana, be, and the same are hereby ordained, constituted and declared to be a body politic and corporate to all intents and purposes, to be known and designated by the name of the "Jeffersonville Iron Manufacturing Company," by which name they and their successors and assigns shall have continual succession, and be entitled to all the privileges and immunities of the laws of this state as a body politic and corporate, such as contracting and being contracted with, suing, and if necessary, being sued, pleading and being impleaded, defending and being defended in any court of competent jurisdiction; and that they and their successors may have a common seal, and may make and alter the same at pleasure; and that they and their successors as a body corporate by the aforesaid name, shall be competent and capable of purchasing, holding, using and conveying any property or estate whatsoever, real or personal, that may by them be deemed necessary to the prosecution of their designs as aforesaid, not exceeding thirty thousand dollars real property; and the said corporation as herein described, shall exist for the term of fifty years from and after the passage of this act.

SEC. 2. The capital stock of said corporation shall consist of five hundred thousand dollars divided into shares of one hundred dollars each; that it shall nevertheless be lawful for said corporation so soon as ten thousand dollars shall have been subscribed, to commence their business, and they shall then be entitled to all the privileges herein granted, and of extending the amount of capital stock by subscription till it amounts to five hundred thousand dollars, as the interest or business of the said corporation may require; and the aforesaid James Keigwin, James G. Read, Andrew Fite, Augustus Moore, H. L. Barnum, William D. Beach and William M. Steele, or any two of them, are hereby constituted commissioners, and as such are hereby authorized to open books and receive subscriptions to said stock, at such times and places as they may deem expedient, which subscriptions shall be paid at such time and in such manner as the board of directors shall order and direct.

SEC. 3. That so soon as ten thousand dollars shall have been subscrib-

ed to the capital stock of said company, the aforesaid commissioners shall proceed to order an election of thirteen directors, who shall have the whole management of the stock, property, and concerns of said corporation. Said commissioners shall give at least ten days notice previous to holding said election by posting up advertisement thereof at Jeffersonville and Charlestown in Clark county, and by notice of the same in one or more of the newspapers published in said county. The said directors shall be chosen by ballot from among the stockholders, and shall hold their office for one year from the time of their election, and until their successors shall be elected, and no longer; and no one shall be considered as duly elected unless he receives a majority of the votes given, either by the stockholders present, or by written proxy from these not present, and each stockholder shall be entitled to one vote for each and every share he may hold in the capital stock of said corporation at the time of such election; which election shall be held in Jeffersonville annually from the date of the first election. The said commissioners shall act as judges and managers of said first election, but at each subsequent election, the acting directors shall officiate as judges, and shall manage and conduct said elections: and in case of a vacancy of one or more in said board, by death or otherwise, the remainder of the board shall have power to fill said vacancy.

SEC. 4. A majority of the directors shall form a quorum capable to enact such by laws, rules and regulations as they may deem expedient for the government and business of said corporation: Provided, They be compatible with the laws and constitution of this state and of the United States. The said directors shall have full power and authority to put into operation all the designs contemplated in this charter.

SEC. 5. That said directors shall have full power at any time to receive, and by a due course of law, coerce the collection of any and all subscriptions to the capital stock of said corporation, together with all costs of suits and any tax of damage which they may assess for delinquency or refusal to pay their respective instalments when called on by said directors for that purpose: Provided, Such tax shall not exceed ten per cent. on the amount of stock subscribed by said delinquent.

SEC. 6. The stock of said company shall be considered as personal property, and shall be assignable agreeably to such rules and regulations as the board of directors may at any time make and prescribe: Provided, That no transaction in the capital of said stock shall be valid until the same shall be entered as a matter of record on the books of said company, nor until all or any claims which said company may have against said stockholder may be liquidated.

SEC. 7. That the said directors shall have power to appoint such officers as the business of said company may require, and it shall be the duty of said officers to keep, or cause to be kept, regular journals of their business transactions, which journals shall be open to the inspection of any stockholder or of any person concerned with said company.

SEC. 8. This act shall be, and the same is hereby declared to be a public act for the purposes herein specified, and shall take effect and be in force from and after its passage or fitty years.

CHAPTER XLII.

An Act to incorporate the Lawrenceburgh Savings Institution.

(APPROVED, FEBRUARY 6, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That George Towsey, William Rodney, Daniel S. Major, Norval Sparks, Jn. H. Brown, and their successors in office duly appointed or elected as hereinafter directed be, and the same are hereby created and made a corporation and body politic for the term of twenty years from and after the first day of May next, who shall by the name and style of "The Lawrenceburgh Savings Institution," be able and capable in law to hold and dispose of property as hereinafter provided; and to sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended in any court of law or equity, or in any other place whatever; and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever; and generally to do any other acts or thing necessary to carry into effect the provisions of this act, and to promote the object and design of the corporation, and shall have power to make and use a common seal, and the same to change and renew at pleasure.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for by individuals, companies or corporations, under the direction of the above named persons, whose duty it shall be to give three weeks notice, of the time and place of opening books for subscription, in a newspaper published in the town of Lawrenceburgh; and it shall be the duty of the persons or corporation taking stock to pay at the time of subscribing for the same, one dollar on each share for which they

shall subscribe.

SEC. 3. That the stockholders shall meet together in general meeting, once in each year, at such time and place as may be designated by the above named individuals, and by the directors that may hereafter be appointed or elected, who shall at such meeting have power to pass such by laws, not inconsistent with the laws of this State, as to them may seem needful, for the government of the directors, and for the management and disposition of the stock, property, estate, funds and business of the company. They shall, at their first meeting, appoint the time and place for the election of directors, as also the number to be elected, not less than five nor more than nine, and do such other business, as to them shall seem proper, for the promoting the interest of said company.

Sec. 4. That the above named individuals shall be the directors of said corporation, until others are appointed, or elected and qualified, un-

der the provisions of this act.

SEC. 5 The directors of the Lawrenceburgh Savings Institution shall, at their first meeting after the passage of this act, and at their first meeting, after any annual election for directors under the provisions of the

same, appoint one of their own body as president thereof, who shall preside at all meetings, and sign all contracts entered into by said company, which shall be valid, without a seal, and binding on the corporation; he shall hold his office until the next annual election, and until his successor shall be elected and qualified; and in case of his death, resignation or absence, the board shall appoint a president pro. tem. for the time being; they shall fill all vacancies which may occur in their own body, who shall hold their office until the next annual election, and until their successor may be elected and qualified. They shall appoint such clerks, secretaries, a gents and servants as may be necessary to transact their business, fix their salares or compensations, and define their powers and duties; and the said officers and servants shall hold their respective situations at the pleasure of the board, under such restrictions, regulations and limitations as they may provide.

Sec. 6. The election of directors shall be by ballot, and a plurality of votes received and counted in public, under the inspection of three stockholders shall be sufficiently to elect, that at every such election, and at all other meetings of the stockholders, held under the provisions of this act, each person shall have one vote for each share of stock he may own at the time, and any stockholder not attending such election or meeting of stockholders having a right to vote, may vote by proxy, under such regulations as may be prescribed in the by-laws of said company; and should the stockholders fail to meet on the day appointed to elect their directors, it shall be lawful for them to meet on some other day under the provisions of their by-laws, and elect said directors, all of whom shall hold their offices one year from their general or annual elections, and

until their successors shall be elected and qualified.

SEC. 7. The president and directors shall hold their meetings at stated times, under their own regulations and at such other times as the president, for the time being shall order and direct, and the majority of the whole number of directors shall form a quorum; and all questions before the board shall be decided viva voce, by a majority of the directors present, any two of whom may require the yeas and nays, on any proposition submitted, to be entered on the journal of their proceedings, and no vote shall be recorded or rescinded by a less vote than was given in favor of the resolution or order at the time it was adopted or made. They shall in the first week in January and July of each year, make out and declare such dividends of the profits resulting from their business as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders; Provided, That no such dividend shall be paid on any stock that has not been fully paid, but shall be passed to the credit of such stock as part payment thereof.

SEC. 8. Said directors shall make such by-laws, rules and regulations, (not inconsistent with the laws of this State, and the by-laws of the company,) as they may deem necessary for the good government of the company in which they shall prescribe the manner in which stock shall be transferred.

SEC. 9. That so soon as four hundred shares are subscribed and taken, and a board of directors organized, the stockholders shall pay and secure

to the company the whole amount of their stock, such parts thereof to be paid in cash as the directors may require, and the balance to be secured in a note to the satisfaction of the directors; and if any steckholder shall neglect or fail to pay and secure the same as above required, within thirty days after being called upon, by some one of the directors or servants of said corporation, either in person or by a writing left at his usual place of residence, or put in the the post office, and directed to the town or post office nearest where such stockholder usually resides, he shall forfeit the amount he has already paid, as well as the stock for which he has subscribed; and when the stock of said company shall be paid and secured as above, (and not before) the said company may commence business.

Sec. 10. Said company shall receive deposits of gold and silver coin, and builtion and moneys of every description on such terms and such rate of interest as the parties may agree upon, and shall pay the same out agreeably to contract on the demand of the depositor, and on the failure to do so shall pay an interest of ten per centum per annum from the time of such demand until the same shall be paid; and on judgments re-

covered on such contracts there shall be no stay of execution.

SEC. 11. It shall be lawful for said company to invest any part of their capital stock, money, funds or other property in any public stock, or funded debts, or in the stock of any chartered bank or banks in this, or any other state, and the same to sell or transfer at pleasure, and reinvest whenever, and so often as the situation of said company or a due regard to the safety of its funds may require, or they may discount or loan the same on real or personal security, for such periods of time, and under such restrictions and limitations as the directors thereof for the time being shall deem prudent, and for the best interest of the company; povided, that contracts for interest shall not be at a higher rate than is allowed by law to individuals.

SEC. 12. Said company shall not use or employ any part of the capital stock, money or other funds, in the purchase of goods, wares, or merchandise, nor shall they emit any bills of credit, as a circulating medium. nor in any manner engage in the business of banking, except to deal in

gold and silver coin, and bullion and bills of exchange.

Sec. 13. That it shall not be lawful for said company to hold any real or personal estate, except such as shall be necessary for the transaction of their business, and such as shall be bona fide mortgaged, pledged or deeded in trust to them in the transaction of their business, and such as shall be on purchased judgments, decrees or orders, adjudged, decreed, or ordered on transansctions had with said company or such as shall have been taken for a debt due to them in the transaction of their business; and said company may proceed on all mortgages deeds of trust, pledges and other securities for the collection of the same, in the manner that natural persons proceed on such securities for purpose of converting the same into money; provided, that said corportion shall not hold real estate an unreasonable time, but shall sell all that may be taken as above as soon as they can conveniently turn the same into mony, to the amount of the original debt and interest. an areas feedered and or rees by 14d 1 10 and a breed of difference organized, the stackholder shall not and secure

SEC. 14. That said company shall have full power to insure all kinds of property against loss or damage by fire, or any other risk whatever, and make insurance on life or lives, and take all kind of marine risks, whether on the rivers or the seas, and to lend money on bottomry and respondentia; to cause themselves to be insured against any loss or risk they may incur in the course of their business; and to underwrite any foreign or domestic bill of exchange, bond, note, or obligation, and generally to do and perform all other matters and things connected with insurance of every description; in all of which business and transactions the said company may charge such rate of premium or interest as may be agreed upon by the parties.

Sec. 15. That said corporation shall not, at any time, nor under any circumstances, loan money under color or pretence of purchasing any bill of exchange, nor shall they purchase any note of hand or other legal liability, nor issue any certificate of deposit, or any other paper of writing, which may be construed or made to answer the usual purposes for which the notes of the state bank, or its branches, or any other banking institu-

tion are designated or can be made to answer.

SEC. 16. It shall not be lawful for said corporation to place in the hands of any person or persons, directly or indirectly, any money or banknotes for the purpose of loaning or discounting paper, or under any pretence of discounting or engaging to discount any note, or draft unless the

same be presented at its counter.

Sec. 17. That in all cases where execution shall issue against said corporation, the same shall first be levied of the goods and chattles, lands, and temements belonging to said corporation as its joint property, and on a return on such execution of 'no property found' or not a sufficiency of property to satisfy such execution, then, and in that case the individual property of each of the corporators who were stockholders at the time the debt, demand or liability accrued, shall be liable for said debt, but no execution shall issue against any stockholder in their individual character until scire facias shall be issued against, and served on them to appear and shew cause, if any can, why execution shall not go against them, and upon such trial the stockholder may be permitted to plead that he was not a stockholder at the time of contracting such debt, demand, or liability, or that the corporation was not liable for said debt or any legal cause of defence.

SEC. 18. It shall be the duty of said corporation to report annually, to the General Assembly the progress of its business, and all other matters

relative thereto.

This act shall take effect and be in force from and after its passage.

the 4. Smitten with a three thousand deffers shall have been

A STATE OF THE PARTY OF THE PARTY OF

the cuted in the president at says and made to size bear 1. of

this one feet rechildren, the farther proceedings shall be the sund

CHAPTER XLII.

An Act to Incorporate the Eel river Steam Mill Company.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Stalcup, James Jessup, Charles Sanders, Ephraim Owens, junior, and John F. Allison, together with such other persons as may be hereafter associated with them for the purpose of building and managing a steam mill for grinding grain and the construction and use of such other machinery as may be attached to said mill, and to carry on the business incident thereto, in the forks of Eel and White river in the county of Green, be and they are hereby constituted a body politic and corporate, by the name and style of the "Eel river steam mill company," and in such corporate name and style, they and their successors shall have continual succession, and be entitled to all the privileges and immunities of the laws of this state as a body politic and corporate, such as contracting and being centracted with, suing and being sued, plead and being impleaded, defend and being defended, answer and being answered, in any court of competent jurisdiction and that they and their successors, may have a common seal and may make and alter the same at pleasure, and they and their successors, as a body corporate, by the aforesaid name shall be competent and capable of purchasing and conveying any property or estate whatever, real or personal, not exceeding at any time the capital stock of said corporation, that may by them be deemed necessary in prosecuting the business aforesaid, and the said corporation as herein described shall exist for the term of thirty years from and after

Sec. 2. The capital stock of said corporation shall consist of forty thousand dollars consisting of shares of twenty five dollars each, that it shall nevertheless be lawful for said corporation as soon as three thousand dollars are subscribed to commence their business and they shall then be entitled to all the privileges of the said corporation, and shall at all times have the privilege of extending the capital stock by subscription till it amounts to forty thousand dollars as the interest or business of said corporation may require, and the said James Stalcup, James Jessup, Charles Sanders, Ephraim Owen, Junior, and John F. Allison, or any three of them, are hereby constituted commissioners and as such are hereby authorised to open books and receive subscriptions at such time or times and places as a majority of them may agree, after the passage of this act, which subscription shall be paid at such time or times and in such manner as the board of directors shall order and direct.

SEC. 3. The process against said corporation shall be by summons, which being executed on the president or any member of the board of directors hereinafter mentioned, the further proceedings shall be the same as against natural persons.

SEC. 4. So soon as the sum of three thousand dollars shall have been

subscribed, and five dollars paid on each share pursuant to the requisition of this act, the commissioners appointed by the second section of this act shall give notice by written advertisement posted up at three of the most public places in the township for an election of directors, on such day and place in the township as said commissioners or a majority of them shall designate; which notice shall be given at least ten days prior to such election.

SEC. 5. The stock property and concern of the said corporation, shall be managed and conducted by a board of directors, consisting of five stockholders, and residents of Green county one of whom to be president who may respectively hold their offices for one year, and until others are elected and no longer, provided, that the directors first chosen shall hold their offices until the first Monday in July eighteen hundred and thirty nine and until others are elected in their stead.

SEC. 6. A majority of directors shall form a quorum to do business for said company, and shall at their first meeting, proceed to elect one of their number president, and in case of a vacancy, they shall have power to fill such vacancy, by appointment, until the next annual election of said company, or until a successor shall be duly elected and authorized to act, and the said board of directors may enact such by-laws, rules and regulations, as they may deem expedient, for the government of said corporation; Provided, That they are compatible with the laws and constitution of this state and the United States, and the said board shall have full power and authority to manage and direct the whole business of said corporation.

SEC. 7. All persons having one share of twenty five dollars, shall be entitled to vote for directors at any election of said company, and one additional vote for each additional share he or she may own; Provided, that no stockholder shall be permitted to vote for any share on which he or she shall have failed to make payment according to order of the board of directors.

SEC. 8. The said directors shall, have power at any time to receive, and by a due course of law coerce the collection of any and all subscription to the capital stock of said corporation, together with costs of suits, any tax or damages they may assess for delinquency or refusal to pay their respective instalments when called on by said directors; provided, such tax shall not exceed ten per cent. on the amount of stock subscribed by said delinquent.

SEC. 9. In cases of insolvency of said corporation each stockholder shall be liable to the creditors of said corporation for the debts incurred and damages accrued whilst he was such stockholder by suit in equity, and the creditors may also file such bill against any person or persens indebted to said corporation and recover any debt due the same, for stock or otherwise, and apply the same or any equitable proportion thereof to the payment of their respective claims.

SEC. 10. The stock of said corporation shall be considered as personal property and shall be assignable agreeable to such rules and regulations as the board of directors may at any time make and prescribe: Provided that no transaction, and the capital of said stock shall be valid, until the

same shall be entered as a matter of record on the books of said company. nor until all or any clums which said company may have against said stockholder shall be liquidated.

SEc. 11. That said directors shall appoint one secretary and one treasurer, who shall report to said board of directors at least every six months and as much oftener as the board may deem proper, said treasurer shall give bond with such security and in such sum as said board of directors shall from time to time order and direct, and the said secretary shall keep the books of said company in such a manner that at any time they will give a full expose of the whole standing, transactions and state of the concern, which books shall at all times be open to the inspection of all persons concerned in any respect with said company either as stockholders or having dealings with or claims against said corporation and that said secretary upon a refusal to exhibit said books on any of the usual hours of doing business for a whole day together, shall forfeit and pay to the use of the person so refused any sum not exceeding one hundred dollars to be recovered in action of debt.

SEC. 12. This corporation shall not in any respect whatever, act or be engaged in any species of banking business, or issuing bills of credit in the form of bank notes.

SEC. 13. This act shall be and the same is hereby declared a public

act, for the purposes herein specified.

SEC. 14. If said corporation shall fail to elect directors on the day and at the times within provided, this charter shall not for that cause be forfeited but said corporation shall at any time thereafter have the power to hold said election at any time by giving notice as provided by the fourth section of this act and in case of such failure to elect as aforesaid the directors whose term of office would have expired, shall continue in office till their successors are duly elected.

SEC. 15. On the return of an execution against said corporation of "no property found" or not sufficient property to discharge said execution a scire facias may be sued out against one or more persons who were stockholders in said corporation at the time the liability accrued on which the judgment was rendered for the satisfaction of which said execution was issued requiring such stockholder or stockholders to show cause why execution should not be issued against such stockholder r stockholders, and on failure, to show such sufficient cause, execution may thereupon issue accordingly and so on until satisfaction be made of the goods and chattels. lands and tenents of such stockholder or stockholders to the extent of the amount of the stock subscribed by him, her or them, if so much be neces-

This act to be in force and take effect from and after its passage.

panellalinger bun seliming & sittanton oldinging od kade bus

search at directors may make the state and breeze the transfer to

sactions, and the capital of and slock that he valid, and the

CHAPTER XLIV.

An act to incorporate the town of Greensburgh, Decatur county Indiana.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted, by the General Assembly of the State of Indiana, That James Blair, Caleb C. Luther, Isaac House, John Thomson, James Freeman, John Lusk, and William B. Ewing be, and they are hereby appointed trustees of the town of Greensburgh, to serve as such until the first Monday in January 1838, and until their successors are elected and duly qualified as hereinafter directed.

Sec. 2. That the said trustees at their first meeting, on the first Monday in June, eighteen hundred and thirty seven, shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, preserve order, put all questions, and upon an equal division of the board, give the casting vote; and at the close of each meeting, shall sign the minutes of the same: and the said board of trustees, shall, at said meeting, appoint a clerk, assessor, collector, treasurer, and supervisors; and shall make such other regulations as may be necessary to carry into

effect the provisions of this act.

SEC. 3. That the said president and trustees of said town; and their successors in office, shall be, and the same are hereby declared a body politic and corporate, with perpetual succession, by the name and style of "the president and trustees of the town of Greensburgh;" and by the corporate name shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction; and shall have power to make, use, and have a common seal, and the same to break, alter, and amend at pleasure; to ordain, order and establish, and put into execution and effect such by-laws, rules and ordinances, necessary and proper for the benefit and convenience of the citizens of said town; and shall also have power to adopt and put in force such laws, ordinances and regulations, as they shall deem necessary for the police and good government, and order of said town: subject, however, to the restrictions, limitations, and provisions hereinafter provided, and not inconsistent with the constitution and laws of this state, or the constitution and laws of the United States.

SEC. 4. That the president and trustees, or a majority of them, shall cause an election to be held on the first Monday in January, in the year eighteen hundred and thirty eight, annually thereafter, for the purpose of electing seven trustees for said town, to be held in some convenient place in said town, of which public notice shall be given either by publication in some newspaper, printed in said town, or by written advertisement, posted up in three of the most public places thereof, at least ten days previous to said election; at which every white male person of the age of twenty one years, and a qualified voter for state and county officers, and

who shall have resided in said town, at least, three months previous to said election, shall be entitled to vote, and the seven persons having the highest number of votes shall be declared duly elected.

SEC. 5. The president and trustees, at their meeting preceding the annual election, shall appoint an inspector of all elections for said corporation, whose duty it shall be to attend the same, and call to his assistance two other qualified voters, who shall be judges of said elections, and they shall appoint two clerks of the same, all of whom after being duly sworn or affirmed to the faithful discharge of their duties as such, shall proceed to receive the votes between the hours of ten o'clock A. M. and four o'clock P. M. on said day: Provided, however, that, if the said inspector shall not be present, the electors may choose one to act in his place at such election; and provided also, that, if the electors should fail to meet or the president and trustees fail to give notice of any election, the corporation shall not thereby be dissolved; but the president and trustees then in office, shall continue until others, their successors, are elected at an annual meeting of the electors.

SEC. 6. It shall be the duty of the inspector of such election, to certify under their hands and seals the persons having the highest number of votes, which certificate shall be filed and put on record by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the persons elected, which certificate shall be sufficient authority for such person to take his seat as a trustee. The trustees thus elected, or a majority of them, shall meet within ten days, after such election, and after taking an oath or affirmation, faithfully, diligently, and impartially to discharge their duties as trustees, shall elect one of their body to preside as in the second section of this act; and in case of his absence at any meeting of the board, they shall appoint a president pro tem. No person shall be eligible as a trustee, unless he is a qualified elector, and also a freeholder or householder within the bounds of said corporation. When vacancies happen by death, resignation, or otherwise, such vacancies shall be filled by appointment of the trustees until the next annual election. A majority of the trustees shall, at all times form a quorum; they shall meet on their own adjournments, and appoint their officers, as in the second section of this act.

SEC. 7. It shall be the duty of the president to sign all laws, ordinances, and decrees of a public nature; and also to sign the records of all their by-laws, and journals or minutes of their proceedings. And at the first meeting of the president and trustees, after the taking effect of this act, and after each annual election, or as soon thereafter as may be convenient, they shall proceed to elect or appoint a clerk, treasurer, assessor, and collector, each of whom shall serve one year, or until their successors shall be chosen and qualified: and they shall take a similar oath, and give bond and security, payable to the president and trustees, conditioned for the faithful discharge of their duties respectively; and on failure to perform all or any of the conditions of said bond, they and their securities shall be liable to the suit of the president and trustees aforesaid, who may assign breaches upon the conditions of said bond, or other causes, and receive a judgment for any default in the discharge of the duties of such of

ficer, together with full costs and ten per cent. damages thereon, in any court, having jurisdiction of the same, on which judgment, there shall be no stay of execution.

SEC. 8. The president and trustees shall have power to levy, annually, and collect a tax on real property, not to exceed twenty five cents on the hundred dallars on its valuation, and on all shows, exhibitions, or amusements, which may be exhibited for gain, not less than three nor more than ten dollars for each exhibition, and may levy a tax on specific article or articles of personal property for the benefit and improvement of said town, not to exceed one fourth per cent. on its valuation.

SEC. 9. The president and trustees shall have power to pass such laws, ordinances, or decrees, as may be necessary to guard against damages by fire, or to organize fire companies, and govern the same; to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern the markets; to prevent the erection of public nuisances, and remove the same; to declare what shall be considered a public nuisance; and generally to enforce by proper penalties, the observance of all laws and ordinances relative to the police and government of said

SEC. 10. The limits of the corporation shall extend to and embracethe plot of the town of Greensburgh, including the out lots, with any ad; dition, or additions, which have been, or may, hereafter, be made thereto as the same is, or may hereafter be entered of record in the recorder's office of the county of Decatur.

SEC. 11. It shall be the duty of the collector to collect the amount of taxes due from each individual, on or before the first day of September, in each and every year, and to account and pay the same over to the treasurer immediately; and in all cases where the taxes assessed are not paid by that time by any individual, it it shall be the duty of the collector to proceed and collect the same, by distress and sale of any of the personal property of such delinquent, subject to execution by the laws of this state, by giving ten days notice of the time and place of such sale by advertisements set up in three of the most public places in said incorporation.

SEC. 12. In all cases where the tax due and owing, cannot be made of the goods and chattels of such delinquent, or where the property taxed belongs to non-residents, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such person, or so much thereof as will pay the tax and costs due thereon, by giving twenty days' notice of the time and place of such sale, in some weekly newspaper published in said town, or by posting up five written notices in the most public places in said town in which notices he shall describe the lot or lots to be sold by their proper number or some other certain description, with the owner's name if known or the person's name to whom it is supposed to belong, and file one of said advertisements with the clerk of said corporation, to be filed by him among the records of said corporation. The collector shall, on the day of sale, by proclamation, proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs due, for the smallest portion of the lot or lots so offered for sale, and

shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid including tax and costs; and that said purchaser shall be entitled to receive a deed for the same at the end of two years, unless the owner, or some other person for him, her, or them, shall redeem the same on or before that time, by paying to said purchaser, his, her, or their heirs or assigns, the amount of the purchase money, with fifty per cent. per annum thereon, or deposite the amount with the clerk of the corporation whose duty it shall be to make an exhibit of the same to the president and trustees at their next meeting, which if correct shall be entered on record.

SEC. 13. In case the owner of any lot or fractional lot, so sold as aforesaid, his, her or their agent or attorney, shall not pay the amount of the purchase money, with the per centum thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the collector then in office, to make a deed to the purchaser, his, her or their heirs or assigns for such lot or fraction of lot, which deed acknowledged and recorded agreeably to the law, shall vest the right and title to said real estate in the purchaser, his heirs and assigns and divest the owner or owners of any title thereto; and the assessments made on such lot or lots shall be a lien on the same in the hands of any person who may purchase the same at private sale; and no conveyance made by the owner of such lot after the time of such assessment, shall so divest the owner thereof of the title to said lot as to interfere with the claim of a purchaser under the provisions of this act.

Sec. 14. The collector may adjourn his sale from day to day for three days, and if at the final adjournment of his sale at any time, any lot or lots should remain unsold for want of buyers, he shall make return thereof, and the amount of the tax and costs, with fifty per cent. thereon, shall remain a lien upon such lot or lots: and shall be added to the next year's assessment. The collector shall be allowed a fee of fifty cents for each sale and certificate.

SEC. 15. It shall not be lawful for any person or persons within the bounds of said corporation, to sell by less quantity than one quart, except for the use of the sick, any spirituous liquor, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to the license obtained from the board doing county business in the county of Decatur, obtain a license from the corporation, which is hereby bound to grant the same to such applicant for one year, on his or her paying into the treasury of the corporation, a sum not less than three nor more than ten dollars, at the discretion of the president and trustees of said town, and if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she or they so offending shall upon conviction thereof, before any justice of the peace, or any court having competent jurisdiction thereof, pay a fine of not more than ten nor less than three dollars and costs of suit, for any violation of this section.

SEC. 16. All laws and ordinances passed by the president and trustees, of a public nature, shall be published either in a newspaper printed in the town or by setting up in three of the most public places in the cornorations.

tion, written copies thereof, ten days before the same shall be in force. And it shall be the duty of the president and trustees in the month of January in each and every year to cause a full statement of all receipts and expenditures for the past year to be published by posting up two copies thereof in public places in the corporation, or by publishing the same in some newspaper.

SEC. 17. That all the citizens within the bounds said town be, and the same are, and hereby shall be exempt from paying a road tax for personal privileges, and for all property within said town and corporation: Provided however, That all persons within the limits of the corporation subject to work on roads, under the township supervisors, shall be required to labor a full equivalent for such personal privileges upon the streets and alleys, and one half mile from the limits of said corporation, on each and every road leading from said town, under the direction of the town supervisors; and for failing or refusing to do the same, shall forfeit the sum of seventy-five cents for each day, to be recovered before any justice of the peace, or any court having jurisdiction thereof.

SEC. 18. That it is hereby made the duty of the several justices of the peace and constables resident within the said town of Greensburgh, to have and maintain jurisdiction under, and to enforce all by laws and ordinances of said board of trustees, not inconsistent with the constitution and laws of this state; for which said justices and constables, shall be authorised to charge and recover the same fees, as are allowed by law for similar services in other cases.

This act to take effect and be in force from and after its passage.

CHAPTER XLV.

An Act to incorporate the Town of Bethlehem, in Clark County.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the trustees to be elected under the provisions of this act, shall be, and the same are hereby declared to be a body politic and corporate, by the name and style of "The Trustees of the Town of Bethlehem." And by that name and style, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction, to make, use and have a common seal, and the same to break, alter and renew at pleasure; to ordain, order, establish and put in execution, such by-laws, rules and ordinances as they shall deem proper and necessary for the police and good government of said town, subject to the restrictions and limitations hereinafter provided, and not inconsistent with the constitution and laws of this State, and of the United States.

SEC. 2. It shall be lawful for the qualified voters of said town to meet at the public school house therein, on the first Monday of June next, or any day thereafter, ten days notice having been given, by advertisement, put up in three public places in said town. And shall elect a president and clerk of said meeting, who shall be qualified by some person authorized to administer oaths, to discharge their duty as such president and clerk. The provisions of this act shall then be read and examined, and thereupon the qualified voters of said town having resided six months therein, and pursued any trade or occupation during such time, or who shall be the resident owners of any freehold property in said town, shall decide by vote whether they will be incorporated under the provisions of this act or not, said president and clerk acting as judge and clerk of such election; which said election shall be held between the hours of two and five o'clock, P. M., of the day of such meeting. The number of votes in favor, and the number of votes against, being incorported under this act, shall be made known to the voters. And if two thirds of the voters are in favor of being incorporated, the president and clerk shall deliver a certificate of the state of the poils to the board of trustees, to be elected as hereinafter mentioned.

SEC. 3. If the voters of said town shall have decided in favor of being incorporated under this act, they may on the next succeeding Monday, and annually thereafter, elect by ballot five freeholders, resident in said town, to act as trustees for one year, and until their successors are elected and qualified. At which first election, the president and clerk of the first meeting shall act as judge and clerk of the election, if present, by the hour of two o'clock, P.M.; but if not present, the qualified voters may appoint a judge and clerk to hold such election, who shall take an oath or affirmation faithfully to discharge their duties as such judge and clerk; Provided, Ten legal voters be present, and they shall then proceed to receive the votes for trustees.

SEC. 4. It shall be the duty of the judge and clerk of such election, to certify under their hands and seals the names of the five persons who received the highest number of votes; which certificate together with the proceedings of the meeting for adopting this act, shall be filed and put on the records of said corporation; and it shall be the duty of the clerk of such election, to deliver a copy of the certificate of election to each of the persons elected, which shall be sufficient authority to such person to act as trustee.

Sec. 5. The trustees thus elected, or a majority of them, shall meet, and after taking an oath or affirmation, faithfully and impartially to discharge their duty as trustees, shall elect one of their body president of their meetings, but in case of his absence at any meeting, a president pro. tem. may be appointed. No person shall be elligible as a trustee, unless he be a qualified elector and freeholder of said town. When vacancies happen by death, resignation or otherwise, such vacancy shall be filled by appointment of the trustees until the next annual election. And the failure of the voters to meet and elect trustees at any annual election, shall not operate as a dissolution of the corporation, but the trustees then

in office shall continue until others are elected at the next annual election; Provided, That it shall not exceed two years.

SEC. 6. A majority of the trustees shall at all times form a quorum; they shall meet on their own adjournment; shall appoint all officers necessary to carry into effect the provisions of this act, and shall make such compensation as to them shall seem reasonable and proper.

SEC. 7. It shall be the duty of the president to sign all laws, ordinances and decrees of a public nature; also, the record of all their by-laws and

journals or minutes of the proceedings of said board.

SEC. 8. The corporation shall have power to assess and collect a tax annually on real property, not to exceed one half per cent, on its valuation, including improvements on such property; on any specific article or articles of personal property: a poll tax on each male inhabitant over the age of twenty one years sane and not a pauper, not exceeding fifty cents each: and on all shows and exhibitions such amount as the

trustees may judge proper.

SEC. 9. The bounds of the corporation shall extend to the limits of the town plat as the same is recorded in the recorder's office of the county of Clark, and for the preservation of the river banks in front of said town, shall have power to graduate and pave the same, provided that such privilege shall not in any manner effect the ferry rights or other privileges of the proprietors of said town without their consent being first obtained in writing granting such privilege, said trustees shall have power to construct docks, piers or warves, graduate and pave streets and alleys for the public benefit, and when necessary to assess special taxes for the improvement of any street, side walk or section thereof, which may have been made pursuant to the regulations hereinafter set forth in the tenth section of this act.

SEC. 10. That whenever the owners of lots, on any street shall be desirous of making any improvements on the same, by graduating, graveling or paving said street or side walks thereof, or of any part thereof, that two thirds of the owners of real estate on said street or section of street, by themselves or agents, representing two thirds of the whole number of feet on each side of said street or section of street, shall by petition, represent to the corporation, plainly and distinctly the improvement wanted, or contemplated to be made, it shall be the duty of the corporation to cause the same to be done in the best and most economical manner according to the wish of the petitioners, and the expense shall be assesed and levied on all lots, fronting on said street or section of street equally per foot front, for the distance such improvement may be intended to extend, which assessment and levy from the time of making the same shall be and remain a lein upon such lot or lots until the amount so assessed and levied with the costs thereof shall be paid or discharged. It shall be the duty of the clerk of the corporation to enter such petition of record, with the petitioner's names and the number of feet front owned by each and shall make out, and deliver to the collector of the corporation, a list of the owner's names, the number of feet front owned by each individual, the rate of expense on said lot, for such improvement, and the whoe amount assessed and levied on each let or fraction of lot; which list

signed by the president of the board of trustees and certified by the clerk shall be sufficient authority for said collector to proceed and collect the same; and if the owner or agent of any lot or part of a lot, shall neglect or refuse to pay the amount so assessed and levied, within three months after such levy, the collector shall proceed to collect the same, by the sale of such lot or fraction, or so much thereof as will pay the amount so levied; and in such sale, he shall in all respects be governed by the 14th section of this act; and the right of redemption shall be the same as in other cases of sales under this act.

SEC. 11. Said trustees shall on or before the first Monday of February in each year determine whether they will assess any tax for the then current year, and if any; shall determine what species of property shall be taxed, and thereupon the clerk shall forthwith make and deliver a certificate of such determination to the assessor with direction in the name of the corporation on or before the first Monday in May next to make and return a complete list of the property therein directed to be assessed, and of all male inhabitants of the town, over the age of twenty one years, sane and not paupers, all lots and parts of lots with the owner's names if known and valuation thereof; which assessment shall be arranged in alphabetical order.

SEC. 12. On the first Monday in May, the trustees shall determine the rate per centum of the tax to be levied on the assessment made as aforesaid, and thereupon the clerk shall forthwith make and deliver to the marshal or collector a list in alphabetical order, of the persons named in the assessment roll, and the amount of tax of the current year, (and of delinquent taxes of preceding years, if any,) chargeable against each; specifying the same, whether a poll or property tax, together with a precept under the seal of the corporation commanding the marshal, in the name of the corporation, to collect the taxes charged in said list, by demanding payment of the person charged therein, or by distress and sale of their goods and chattels, or of the lots or parts of lots charged in said list, with the proper amount of tax, and pay over to the treasurer the money so collected, on or before the first Monday in November, then next.

SEC. 13. The marshal shall, on or before the first Monday in August, demand payment of the taxes, respectively, of the persons charged therewith, or at their usual place of residence, if within said corporation, and upon payment to him of any tax, he shall give a receipt therefor, specifying the year and amount of tax. If any tax shall remain unpaid on the first Monday in September, the marshal shall collect the same by distress and sale of the goods and chattels of the person charged therewith, or of the goods and chattels found on the lot or part of lot upon which the unpaid tax was assessed, belonging to any occupant thereof, giving six days notice of such sale, by written advertisement, put up in three of the most public places in the town.

SEC. 14. If no goods or chattels can be found out, of which to make the taxes due on any lots and hereditaments, the marshal after having given four weeks notice thereof, in a newspaper of the town, or paper nearest thereto, and by written advertisements, put up at three public places, shall on the second Monday of October, between the hours of ten in the

forenoon, and four in the afternoon, proceed to sell at public auction, the rents and profits of all such lands, tenements and hereditaments as are charged with unpaid taxes, for the shortest time the same can be sold for, and having an amount sufficient to pay the taxes charged thereon. and the cost of sale. And the marshal shall give the purchaser a certificate of such sale, which shall describe the property sold, and specify the amount of taxes and costs and the time for which it was sold; such certificate, if all proceedings relating to the tax and sale shall have been regular, shall vest in the purchaser an indefeasible title to the property, for the time therein specified, and it shall be prima facie evidence of the regularity of the marshal's proceedings in relation to the sale; Provided how. ever, That any person interested therein may redeem the property so sold, by paying to the purchaser, or the clerk of the corporation for such purchase at any time afterwards, the amount for which the same was sold, together with fifty per centum thereon, and all taxes which have accrued thereon subsequent to the sale and been paid by the purchaser.

SEC. 15. The marshal, besides the cost of printing, shall be allowed ten per centum on all taxes collected by distress and sale of either real or personal property, to be paid out of the proceeds of the sale, as a compensation for his trouble in making such sale; and he shall specify in his return to the precept what taxes have been collected by distress and sale, and describe the property sold and name of the purchaser, and the amount and time for which the same sold; also, what taxes, if any, remain unpaid for want of property, out of which to make the same, and he shall moreover make oath that his return is just and true, to the best of his knowledge and belief, which oath snall be endorsed on the return. The marshal shall also give notice to the trustees, for all omissions or other mistakes in the assessment and tax rolls, which may have come to his knowledge.

SEC. 16. The president and trustees shall at all times have full power to refund any moneys wrongfully collected as taxes, and to correct any assessment or tax list, by adding thereto or substracting therefrom, as to them shall seem [right].

SEC. 17. It shall not be lawful for any person or persons within the bounds of the corporation, to sell any spirituous liquors in any quantity less than one quart, or keep what is commonly called a tippling house, unless such person or persons shall in addition to a license obtained from the board doing county business, obtain a license from the trustees of said town, who are hereby authorized to grant the same to such applicant for one year, such applicant paying into the treasury of the corporation a sum not less than five dollars at the discretion of the corporation; and if any person shall sell any spirituous liquors contrary to the provisions of this act, or shall keep a tippling house within the bounds of said corporation, without such license obtained from the board of trustees of said town after their first election, the person or persons so offerding, on conviction thereof on presentment or indictment in any court of competent jurisdiction, shall be fined in any sum not exceeding twenty dollars, nor less than five dollars, for the use of the county seminary of Clark county; and said corporation is hereby authorized to appoint a marshal, and such

assistants as may be necessary, and pay them for their services out of the funds of the corporation. The said marshal, when appointed, shall take an oath to discharge his duties as such, and shall be a peace officer of said town, and shall act in such capacity under the direction of the trustees; Provided however, That nothing in this act shall be so construed as to prevent persons who are authorized to vend merchandize, from selling spirits for the use of the sick.

SEC. 18. Nothing in this act shall be so construed as to allow the trustees to apply private property to public use, without the consent of the

owner thereof.

SEC. 19. All elections for trustees, after the first election shall be held, at such place in said town, as the acting board shall direct; and it shall be the duty of the clerk of the board to give at least ten days notice of the time and place of holding any election for trustees, by advertisement in writing, put up in three public places, within the corporation. And all elections shall be held by the president and clerk of the board for the time being, or by persons appointed and qualified as directed for the first election.

SEC. 19. The times hereinbefore stated, when elections shall be holden, and certain other acts shall be done are directory only. All by-laws and ordinances shall be in force so soon as three copies shall have been put up ten days at three public places in the town.

SEC. 20. On any question or proposition to be acted on by said trustees the ayes and nays shall be recorded by the clerk at the request of

any member of the board.

This act to take effect and be in force from and after its passage, so far as relates to the meeting authorized by the second section, and the residue shall be in force so soon as the citizens of said town shall have determined to adopt this act of incorporation.

CHAPTER XLVI.

An Act to incorporate the Michigan City and St. Joseph Rail Road company.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Alanson W. Enos Samuel Miller, James M. Scott, David Sprague, Jacob Bigelow, George Ames, William Teale, Jonathan Burr, James Waddell, Daniel Low, Joshua Hobert, William E. Moore and Thomas Tyrrell, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of "The Michigan City and St. Joseph Rail Road company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended answer and be an-

swered unto, in any and all courts of justice whatever, to make and use a common seal and the same to alter change or renew at pleasure, and shall be able and capable in law to make contracts and enforce the same to make and enforce the necessary by laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

SEC. 2. The capital stock of said corporation shall be one hundred

thousand dollars, divided into shares of one hundred dollars each.

SEC. 3. The directors named in this act or a majority of them, may meet at such time and place as they may agree on and organise said corporation by electing one of their body president, and after such , organization, any three of the board shall be a quorum, but after an election for

directors it shall require five to form a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendants, artists, and all other officers and persons necessary to carry into effect the objects of this act. They shall keep a journal of their proceedings in which shall be entered all by laws, rules and regulations; and all orders for the payment of such allowances as may be made to their officers and all others in their employ; which journal shall from time to time be read by the board, and if found to be correct, signed by the president. They may sit on their own adjournments, or on the call of the president; when the president is absent they may appoint a president pro tempore. They shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places, as they may choose; due notice of which shall be given; in each of which books the following entry shall be made. "We the undersigned promise to pay the sum of one hundred dollars for each share of stock set opposite to our names in such manner and proportions and such time as the president and directors of the Michigan City and St. Joseph rail road company may di-

rect, witness our hands this day of 813

SEC. 6. It shall be lawful for all persons of lawful age for the agent of any corporate body, for the agent of any state or United States on behalf of the same, to subscribe for any amount of capital stock, and the books shall be kept open for any such space of time and at such place or places as the corporation shall choose, and may be reopened at any time and they may by any agent offer for sale in any other state any amount of stock upon such terms and conditions as may be thought advisable. They shall have power on their own credit to borrow money on such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books and any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as five hundred shares are subscribed for, and ten dolars paid on each share, it shall be the duty of the corporation to give four weeks notice the cof in each of the newspapers printed in Laport county and in such notice appoint a time for the stockholders to meet and elect nine directors who shall be stockholders to the number of at least five shares each and citizens of the state, which election of directors shall be holden within three months after the last share in five hundred shares shall have been subscribed for and shall be conducted by two judges appointed by the stockholders present and the persons having a plurality of the votes given and counted in public, shall be declared duly elected. No shares shall confer a right to vote at any election, unless the same shall have been held one month previous to the election. In all elections one share shall entitle the holder to one vote, and the votes may be given by the persons owning the same; or hy one of any partnership, or by the husband, father, mother, administrator, executor, trustee or guardian, or by the authorised agent of any corporation, state or United States, or any person having the right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their body to be president, the president and directors thus elected, shall continue in office until the next annual

election and until their successors are elected and organised.

SEC. 9. All elections after the first, shall be held on the first Monday of October annually, under the direction of three stockholders not directors at the time, to be appointed by the board at a previous meeting or by the stockholders present, of which election notice shall be given: Provided that, if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the elections on another day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk. The stock shall be transferable on the books of the corporation only, personally or by an agent, attorney, or by the administrator, executor, trustees or guardian, but such stock shall at all times be holden by the corporation for any dues from the holders thereof, or for any sum that may hereafter become due on a contract

made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty five per cent of the amount of stock every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in the several newspapers printed in the county in the first section of this act mentioned, or by giving written notice to the stockholders, in all such notices the amount of each share demanded, and the time and place of payment shall be set forth, and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time mentioned for such payment, the corporation may bring suit against such delinquent for the amount due in any court of competent jurisdiction, and recover the amount with two per cent. a month interest thereon for such detention, and if the amount cannot be made on execution, or if the delinquent is out of the state, then the corporation may six months thereafter, by order on their books.

declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall be thereby absolutely forfeited to the corporation; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied.

SEC. 12. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance with such penalty as they may think proper, for the faithful performance of their respective

duties.

SEC. 13. The corporation by their agents, shall have full power from time to time to examine, survey, make and locate, the road for a rail road for single or double track, commencing at Michigan city. Laporte county, and running on the best ground for the interest of the company and convenience of the public, to the line of the state in the direction of New Buffalo in the state of Michigan, with full power in all cases to diverge from a direct line where more favorable ground can be had for the construction of the road, the same not to be more than eighty feet in width.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road; but no stone, gravel, wood or other materials, necessary for the construction of said road, shall be taken away from any land without the consent of the owner thereof, until the

rate of compensation shall be ascertained and paid.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road to obtain from the person or persons. through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction or location of said road, as also the stone, gravel, timber or other materials, that may be obtained on said route, and may contract for stone, gravel, timber, and other materials; and it shall be lawful for said corporation to receive by donations gifts, grants, or bequests, land, money labor, property' stone, gravel or other materials for the benefit of said corporation, and all such contracts, relinquishments donations, gifts, grants, and bequests, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location, for the benefit of the corporation, shall be binding and obligatory; and the corporation may have their action at law in any court of competent jurisdiction, to compel the same: Provided, that all such contracts, relinquishments, donations, gifts, grants and bequests, shall be fully and plainly made in writing, signed be the party making the same.

Sec. 16. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or when a contract between the parties cannot be made, it shall be lawful for the corporation to give uotice to some justice of the peace in the county where the difficulties may occur, that such facts do exist, and such justice of the peace shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve dis-

interested persons of the neighborhood, who shall after taking an oath faithfully and impartially to assess the damages, if any, view the lands or materials: and after having taken into consideration the advantages as well as disadvantages the road may be to the same, and shall report thereon whether such such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon such justice shall enter judgment thereon, unless for good cause shewn; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises either with or without the costs: Provided, That either party may at any stage of the proceedings appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers as above directed, who may report at that or the ensuing term, at the discretion of the court; and the judgment of the circuit court shall be final.

SEC. 17. And in all cases where the owner or owners of such land or materials, shall be minors, insane persons and idiots, or reside out of the county in which such land is situated, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person shall attend on the day named in said notices, the said justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend; and on such judgment being rendered, and the corporation complying therewith by the payment of costs or damages awarded against them, the corporation shall be seized of the land or materials; costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 18. That if it shall be found necessary or advantageous to the location and construction of said road the corporation shall have the right to lay the same along and upon any state or county road: Provided however, That before such location shall be made the corporation shall make application to the county commissioners of the proper county, for such right, and the said commissioners are hereby vested with power to grant the same by an order entered on the record: Provided also, that such right shall be granted on condition that the corporation shall leave a sufficiency of said state or county road in as good repair for common use as it was previous to such occupation.

SEC. 19. The corporation shall commence the construction of said road any time within five years and from time to time construct so much towards the point of destination as may be within the ability and to the interest of said company, and shall complete it within fifteen years from its commencement; Provided also that if any of said road shall be completed within the time aforesaid, that then and in that case all the rights, privileges and benefits granted to said company in that act, shall be extended to and invested in said corporation to such part of said road as shall then be completed.

SEC. 20. It shall be the duty of said corporation whenever any state or county road now established shall cross or may hereafter cross the rail road, to make and keep in repair, good and sufficient causeways, so that the free use of the road shall not be obstructed; and in all cases where any

persons shall own land on both sides of said road and there shall not be any causeway for a public road leading from one tract to the other, the owners of such lands shall have the right, free of charge to cross the same, and to make such causeways as may be necessary for the convenience of said owner: provided, That such owner of land shall not injure or obstruct said road.

SEC. 21. That it shall be lawful for said corporation to place or prescribe the kind of carriages that may be used on said road whether propelled by steam or other power, for the transportation of passengers, for all kinds of products, lumber, goods, wares and merchandise or any other kind of property, and for this purpose the corporation may construct said road with such locks, turns, gates, bridges, aqueducts, culverts, tolland warehouses as may be considered necessary for the interests of the company and convenience of the public; and the corporation may charge tolls and freights on such part of the road as may be in a sufficient state for travel although the whole be not finished; and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be laid so as to admit carriages thereon.

SEC. 22. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages, on said road or any part thereof as shall be for the interest of said company, and to change, lower or raise, at pleasure: Provided That the rates established from time to time shall be posted in some conspicuous place or places on said road.

SEC. 23. That when the aggregate amount of dividends declared, shall amount to the full sum invested and ten per centum per annum thereon the legislature may so regulate the tolls and freights, that not more than fifteen per centum per annum shall be divided on the capital employed, and the surplus profits if any, after paying the expenses and receiving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of state for the use of common schools, but the corporation shall not be compelled by law, to reduce the tolls and freights so that a dividend of fifteen per centum cannot be made; and it shall be the duty of the corporation to furnish the legislature, if required, with a correct statement of the amount of the expenditures and the amount of profits after deducting all expenses; which statement shall be made under the oath of the officers, whose duty it shall be make the same.

SEC. 24. Semi-annual dividends of so much of the profits as the corporation may deem expedient shall be made on the first Monday of December and July annually unless the directors fix on a different day, and pay the stockholders as soon thereafter as they can with convenience, and no dividends shall be made to a greater amount than the nett profits after deducting all expenses; and the directors may reserve such proportion of the profits as a contigent fund to meet subsequent expenses as they shall deem proper.

SEC. 25. That if any person or persons shall knowingly and willfully injure or obstruct said road or any part thereof, or shall break, destroy or deface any work, edifice, device toll or warehouse belonging thereto, such person or persons so offending, shall pay to the corporation, five times the

amount of damages actually done, with costs of suit to be recovered by the corporation, before any court having competent jurisdiction: Provided That all actions commenced by the corporation for the recovery of damages shall be commenced within six months from the time such cause of action accrued and not after.

SEC. 26. The state reserves the right to subscribe for one hundred shares of the stock at any time within five years, from the commencement of the work.

SEC. 27. It shall be lawful for the county commissioners of Laporte county for, and on behalf of said county to authorize by an order, as much of the stock to be taken as they may think proper.

SEC. 28. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at each annual election, or at any other general meeting of the stockholders at each annual election, or at any other general meeting of the stockholders at least one in each year.

SEC. 39. Any number of stockholders owning one third of the stock, may be called a general meeting of the stockholders, by giving four weeks notice in one or more newspapers, and specifying in said notice the object of the call; and, a majority of the stockholders being represented, they [may] make such order relative to the concerns of the company, as a majority may determine. Any chartered company may have the liberty of joining or intersecting said road at or north of the state line.

SEC. 30. The state in time of war, shall have the right to transport troops, munitions of war and provisions, free of toll, on said road.

SEC. 31. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same; and the stockholders may, at any general meeting, reduce the number of directors to any number not less than five.

SEC. 32. That when the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the Secretary of state, and from and after that time it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pay the owner or owners of said land on said changed route, the amount of damage they may sustain by such re location.

SEC. 33. That if said road, after its completion shall be suffered to go into decay or be impassable for one year, unless the same is repaired, this charter shall be taken and considered as forfeited.

SEC. 34. The corporation shall in no case, directly or indirectly engage in any kind of trade, or deal in merchandize other than such as may be necessary to carry into effect the object contemplated by this act, nor shall said corporation under any pretence whatever enter into any banking business for the purpose of receiving deposites, making discounts or issuing bills of credit or bills, or receipts of any description to pass as a circulating medium.

SEC. 35. This charter is limited to seventy five years in duration.

Sec. 36. The corporation shall cause to be kept a fair account of the whole expenses of making and repairing said rail road, and every section thereof, with all incidental expenses; and also a fair and accurate ac-

count of tolls received; and the state shall have the right to purchase the stock of said company at any time after fifty years, by paying said corporation a sum of money, which together with the tolls received, shall equal the costs and expense of said rail road as aforesaid, with an interest of fifteen per cent. per annum; and the books of said corporation shall be always open for inspection of any agent of state, appointed for that purpose by the legislature, and if said corporation shall neglect or refuse to exhibit at any time, their books and accounts agreeably to this section, when thereunto required, then all their rights and privileges granted by this act, shall cease and be ended. No privileges granted by this charter shall interfere with the right of the state to construct a canal in, or near the route of the proposed rail road;

SEC. 37. This act to be in force from and after its passage, and shall be taken to be a public act, and shall be favorably construed for all beneficent purposes.

CHAPTER XLVII.

An act to incorporate the Vincennes and Terre Haute Turnpike Company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That David S. Bonner, William Burtich, Abner T. Ellis, Elihu Stout, Robert Benefiel and Joseph Latshaw of the county of Knox, William S. Cruft, James K. O. Harer, James Reid, Jesse Haddan, Hezekiah Riggs, and James B. Gardner of the county of Sullivan, Ephraim P. Kester, Samuel Hull, Moses Carr, Joseph S. Jenks, Amory Kinney and Robert Bratton of the county of Vigo, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body politic and corporate, and by the name and style of the president and directors of the Vincennes and Terre Haute Turnpike company," shall be able and capable in law and equity to sue and be sued, defend and be defended, answer and be answered unto, in any and all courts whatsoever; to make and use a common seal, and the same to alter or change at pleasure; and shall be able and capable in law to make contracts and enforce the same; and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into execution and effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of the state.

SEC. 2. The capital stock of said company or corporation shall be four hundred and fifty thousand dollars, divided into shares of fifty dollars each, with power to increase the capital stock, if necessary to accomplish the objects herein contemplated.

SEC. 3. The corporation shall have power, as the majority of the stock-holders of the same may determine, to make a McAdamized, wooden of Clay Turnpike, as the amount of stock subscribed for may warrant.

SEC. 4. The directors in this act named; or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation, by electing one of their body president, and after such organization, any five of said board shall be a quorum to transact business.

SEC. 5. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendants, artists, and all other officers and servants necessary to carry into effect this act, they shall keep a journal of their proceedings, in which shall be entered all by laws, and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employ, which journal and proceedings shall from time to time be signed by the president; they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president pro tempore: they shall fill all vacancies that may happen in their boly.

SEC. 6. The corporation shall cause books to be opened for subscription to the capital stock, at such time and such places as they may choose, due notice of which shall be given in some public newspaper in this state; in each of which books the following entry shall be made: "We the undersigned, promise to pay the sum of fifty dollars, for each share of stock set opposite our names, in such manner and proportions and at such time as the "president and directors of the Vincennes and Terre Haute Turnpike company" may direct; Witness our hands, this

day of 183

Sec. 7. It shall be lawful for all persons of lawful age, for the agent of any corporate body to subscribe for any amount of the capital stock; and the corporation may by an agent offer for sale in any other state, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power upon their own credit, to borrow money upon such terms, as may be agreed upon by the parties. The corporation may require such sum of money to be paid at the time of subscribing or within thirty days thereafter, not exceeding five dollars on each share, as they may think proper; but the amount required shall be made known at the notice for opening the books; and any future payments on the stock shall be under the control of the corporation.

SEC. 8. As soon as one thousand shares are subscribed for, and five dollars paid on each share, it shall be the duty of the corporation, to give three weeks notice thereof, in some newspaper in this state and in such notice appoint a time and place for the stockholders to meet and elect nine directors, who shall be stockholders, and citizens of this state, and which election shall be by ballot and conducted under the supervision of one inspector and two judges appointed by the stockholders present; and the persons having the highest number of votes shall be declared duly elected; in all elections each share from one to five, shall entitle the holder to one vote; and every additional five shares three votes, until fifty shares, and for every five shares over fifty, one vote, to be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator, executor, trustee or guardian, or by the agent of any incorporation; or any person having a right to vote, may

vote by proxy: provided, that no stockholder shall be entitled to more than

fifty votes.

SEC. 9. It shall be the duty of the directors, elected as above and those elected at all subsequent elections, to elect one of their body a president. The president and directors thus elected shall continue in effice until the the next annual election and until their successors are elected and qualified.

SEC. 10. All elections, after the first, shall be held on the first Monday in May annually, under the direction of the stockholders present, of which electron notice shall be given; but should no election be held on the day appointed by this act or by the directors of the first election, it shall be

lawful to hold an election on any other day.

SEC. 11. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk. The stock shall be transferred on the books of the corporation, personally, or by agent or attorney, or by the administrator, executor, trustee or guardian; but such stock shall be held at all times by the corporation, for any dues from the holder thereof to the corporation, or for any sums, that may thereafter become due on contract,

made prior to such transfer.

SEC. 12. The corporation shall have power to call for such portions of the stock subscribed, not exceeding, twenty five dollars on each share in any one year as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some newspaper of this state, or by written notice given to the stockholders, in which shall be specified the amount demanded on each share and the time and place of payment; if any stockholder shall neglect or refuse to pay any such requisition, within ten days after the time named for such payment, the corporation may being suit against such delinquent for the amount due and called for in any court of competent jurisdiction, and recover the amount due with ten per cent. damages for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forseited to the corporation, with whatsoever amount may have been paid thereon, and no such delinquent, before the forfeiture of his stock shall have any right to vote for directors, or receive any dividend on his, her, or their stock until the corporation is fully satisfied. The corporation shall require of all officers and others in their employ, bonds with security as they may think proper, for the faithful discharge of their duties.

SEC. 13. The corporation shall have power by themselves or agents, to examine, survey, and locate a turnpike road, from Vincennes, in Knox county, through the county of Sullivan, to the town of Terre Haute in Vigo county, with power to place the same upon such ground as they may deem most eligible and suitable for the construction of said road, the same

to be not more than one hundred feet wide.

SEC. 14. That for the purpose of making such examinations and location it shall be lawful for the corporation, by their agents or persons in their employ, to enter upon any lands to make surveys and estimates, and to take from the lands occupied by said road, when located and

surveyed as aforesaid, any stone, gravel, timber, or other materials necessary to construct a good, secure, and substantial road as contemplated by this act, and the necessary bridges connected therewith, and should sufficient materials be not obtained upon the land so as aforesaid located, then it shall be lawful for the corporation to obtain from the owners of land through which said contemplated road may run the necessary, stone, gravel, and other materials that may be obtained on the route, and to contract with them for the same, they may also receive by donations, gifts, grants, bequests, money, labor or property for the benefit of the corporation; all such gifts grants, donations, or bequests, made by persons competent in law to make the same, and for the benefit of the corporation, shall be binding and obligatory; and the corporation, shall have their action at law to compel a compliance with the same: Provided, however, all such coutracts, gifts, grants, and bequests be made in writing by the person making the same.

SEC. 15. That in all cases where any person, through whose land said road may run, shall refuse to relinquish his land or permit the company to occupy the same, or where a contract with the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such circumstances may exist or occur, and such justice, shall thereupon summon the owner of land to appear before him on a particular day, within ten days thereafter and shall call before him a jury of twelve disinterested men of the neighborhood, or such number as may be agreed on by the parties, who shall after having taken an oath faithfully and impartially to assess the damages, if any, view the lands and materials; and after having taken into consideration the advantages and disadvatages the road may be to the same, shall report thereon, whethersuch person is entitled to damages or not, and if any, what amount of damagesand shall file such report with such justice: Whereupon said justice shallenter judgment thereon unless for good cause shown, or unless the amount of damages should exceed the sum of one hundred dollars, in case the damages exceed the sum aforesaid then it shall be the duty of such justice to file the same, properly certified in the circuit court of the proper county, and judgment shall be had thereon in the same manner as judgments are had upon appeals from justices of the peace; and in case either party can show good cause, why the justice should grant a review, he shall order the same to be reviewed either with or without costs; either party may appeal to the circuit court of the proper county, as in other cases, and the cause shall there be tried "de novo" and final judgment rendered, and such court shall appoint reviewers who may report at that or the succeeding term, until which report judgment shall not be rendered.

Sec. 16. In all cases where the owner is a minor, insane person, or shall reside out of the county where such land may be, such justice shall cause three notices to be stuck up the time and place of appointing reviewers; and if no person appears, he may adjourn the trial for two weeks, at the end of which time, he shall appoint a guardian "ad litem" or committee to act for such minor or insane person, as the case may require, to act for the minor or insane person, in the suit aforesaid, but such appointment need not be made if the guardian at law or committee of the

estate of such person appear to defend, and he shall then proceed as in other cases, and on judgment rendered and the corporation complying therewith by payment of costs and damages, or both against them, the corporation shall be seized of the lands and materials; costs shall be awarded or allowed against either party, at the discretion of the jury.

SEC. 17. If it shall be found necessary for the construction and location of said road, the corporation shall respectively have the right to lay the same along or upon any county or state road: Provided however, Before such location shall be made, the corporation shall apply to the board of county commissioners of the proper county for such right, and the said board is hereby required if they deem it to be for the public good, to grant such right, and shall enter the same on the records of the proper county.

SEC. 18. That when the said corporation shall have obtained the right of way, as herein provided for, they shall have the sole use and occupan-

cy of the land over which the same is located.

SEC. 19. The corporation shall commence the said road within three years, and complete the same within twenty years from its commencement: Provided however, if ten miles of said road, shall be completed within the time aforesaid, the charter shall not be forfeited as to that part of the road so complete.

SEC. 20. The corporation shall cause said road to be opened, not exceeding one hundred feet, at least twenty of which shall be thrown up into a curve, in such a manner as to secure a firm, substantial and even road, and shall constantly be kept in repair, and in no case shall the ascent of

the road be greater than five degrees.

SEC. 21. That whenever said road or any particular section thereof shall have been located, it shall be the duty of said corporation to cause a plat thereof to be filed in the office of Secretary of State, and after that time it shall not be lawful for the corporation to alter, or change said road unless by contract with the proprietor of the lands over which such proposed change is to be made.

SEC. 22. That if said road after its completion or any section thereof shall be suffered to go into decay, so as to be impassable for one year, unless when the same is repairing, this charter shall be considered as for-

feited.

SEC. 23. So soon as the corporation shall have completed said road, or any section of five miles thereof, an agent shall be appointed by the governor, who shall examine said road or section, and report whether the same be finished according to the provisions of this act, which report shall be entered on the journals of the corporation; and if the same be favorable, showing the completion of said road or any section thereof, of five miles in length according to the provisions of this act, the said corporation shall be at liberty to erect toll gates not less than five miles apart (except in the immediate vicinity of towns) and demand, and receive of persons travelling said road, such tolls as are hereinafter directed.

SEC. 24. The following shall be the rates of toll for each and every ten miles of said road, and in the same proportion for a greater or less distance, to wit: for every four wheel carriage, wagon or other vehicle

drawn by one horse or other animal, not exceeding eighteen and three fourth cents. for every horse, or other animal in addition six and one fourth cents for every cart, chaise or other two wheel carriage drawn by one horse twelve and one half cents, for every horse or other animal in addition six and one quarter cents, for every sled or sleigh drawn by one horse or other animal six and one quarter cents, for every horse or other animal in addition six and one quarter cents, for every coach, chariot or other four wheel pleasure carriage drawn by one horse or other animal not exceeding eighteen and three fourth cents, for every horse or other animal in addition six and one quarter cents, for every horse and rider six and one quarter cents, for every horse and rider six and one quarter cents, for every horse and rider six and one quarter cents, for every head of neat cattle six months old and upwards not exceeding two cents, and each hog or sheep one cent; Provided, That all persons going to, or returning from public worship, and all functal processions shall pass free of toll.

SEC. 25. If any person or persons, using any of said road shall with intent or view to defraud said company, pass through any private gate or bars, or along any other ground near the said road, or shall practise any fraudulent means to lessen the payment of such toll, each and every person concerned in such fraudulent practice shall, for every such offence forfeit and pay to such company the sum of five dollars without any stay of execution to be recovered by an action of debt at the suit of the corporation before any justice of the peace of the proper county: provided, that nothing in this act shall be so construed, as to prevent any person residing on said road, from passing thereon about their premises between

the gates for common and ordinary business.

Sec. 26. If the said corporation shall fail for thirty days in succession to keep in repair said road, and complaint thereof be made to any justice of the peace of the county, it shall be his duty forthwith to summon three disinterested freeholders to examine the same; and he shall give notice to the nearest toll gatherer of the time when said freeholders will proceed to examine that part of the road complained of; and the said treeholders, after having taken an oath or affirmation, to act impartially, shall proceed in the examination and if they shall find the same out of repair, they shall certify the same to said justice, whose duty it shall be forthwith to transmit a copy of such certificate to the nearest toll gatherer on such road, and from the time of receiving the same, it shall not be lawful to charge any toll on the section of the road for ten miles where such road is out of repair, until the same has been in full and complete repair, under the penalty of five dollars to be recovered of said corporation by action of debt, at the suit of the party agrieved and for his benefit.

SEC. 27. The company shall put up a post or stone at the end of every mile with the number of miles from Vincennes and Terre Haute, fairly cut or painted on the same and also in a conspicuous place near each gate shall be placed a board with the rates of toll fairly painted thereon, and

such other matter in relation to direction as may be necessary.

SEC. 28. If any toll gatherer on said road shall unnecessarily detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is allowed by this act, he shall for every such of-

fence forfeit and pay a sum not exceeding ten dollars to be recovered with costs of suit, before any justice of the peace having competent jurisdiction at the suit of the party aggrieved, Provided that if no suit or action shall be commenced within thirty days from the time of incurring the

penalty, the same be barred.

SEC. 29. The corporation shall cause to be kept a fair account of the whole expense of making and repairing said road or any section thereof, with all incidental expenses; and also a fair account of the toll received and the state shall have the right to purchase the stock of said company, at any time after twenty years on paying said corporation a sum of money which together with the toll received shall equal the cost and expense of said road as aforesaid, with an interest of fifteen per cent per annum, and the books of the corporation shall always be open for the inspection of any agent of the state appointed for that purpose by the legislature, and if the said corporation shall refuse or neglect to exhibit at any time, their accounts agreeably to this section, when thereto required then all the rights and privileges by this act granted shall cease and be at an end.

SEC. 30. It shall be lawful for the county commissioners of each and every county, through which said road may pass, for and in behalf of such county, to authorize by an order as much of the stock to be taken, as they

may think proper.

SEC. 31. This act to be limited for the term of forty years.

SEC. 32. This act to be in 'orce from and after its passage and shall be taken and considered a public act, in all courts of record within and out of this state, as also in courts of justice of the peace; and shall be beneficially construed.

CHAPTER XLVIII.

An Act to incorporate the Indianapolis and Michigan City Rail Road Company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana That David Sprague, Charles K. Averell, William Teall and William E. Moore, of Michigan City, John M. Lemon of Laporte, James Blake and Nicholas McCarty of Marion County, together with those who may hereafter become stockholders, in the manner herein after prescribed, their successors and assigns be, and they are here by created a body corporate, by the name and style of "The Indianapolis and Michigan City Rail Road Company," and by that name and style shall be and hereby are made capable in law, to have, purchase, receive, possess and enjoy real and personal estate, and retain to them, their successors and assigns, all such lands, tenements and hereditaments, as shall be requisite for their accommodation and convenience in the transaction of their business, and

such as may be in good faith, conveyed to them by way of security, or in satisfaction of debts, or by donation and purchase; and the same to sell. grant, rent or otherwise dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record and elsewhere, and also to make, have and use a common scal, and the same to alter, break, renew, or change at pleasure.

SEC. 2. That the said corporation shall be, and are hereby vested with the right and authority to construct a single or double rail road from Indianapolis to Michigan City, by such route, as after due examination and survey, shall be found most eligible, (and also of constructing such branches as may hereafter be deemed necessary,) to transport, take and carry persons and property upon the same, by the power and force of steam, of animals, or any other mechanical or other power, or any combination of them, which said corporation may choose to employ; Provided, always, That nothing herein contained shall be so construed as to authorize the corporation hereby created to interfere, in any way with public works authorized by the State; nor with the chartered rights of other corporate companies heretofore created, for the purpose of constructing rail roads or McAdamized roads, nor with the Michigan road: Provided. also, That it shall be lawful for the corporation, hereby created, to contract with any corporate company heretofore created for the purpose of constructing rail or other description of road, for the right of way in cases where their proposed routes may interfere. And said companies may construct such roads on such interfering routes, either jointly or separately, on such terms and conditions as they may agree.

SEC. 3. That the capital stock of said company shall be one million five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and the shares of the capital stock of said company shall be deemed personal property, transferable by assignment agreeable

to the by laws of said company.

SEC. 4. That the above named persons, or a majority of them, who may consent to act as such, shall be commissioners, who may authorize any three of their number to open books for receiving subscriptions to the capital stock of said corpotation, at such times and places as they may direct: and as soon as the stock shall be subscribed, or one hundred thousand dollars thereof, a public notice shall be given of the time and place for a meeting of the stockholders to choose directors; when seven shall be selected by ballot, who shall be citizens of the State of Indiana, by such of the stockholders as shall attend for that purpose, either in person, or by lawful proxies; each share shall entitle the owner to one vote. The persons named in the first section of this act, or any three appointed by a majority of them, shall be inspectors of such election, and shall certify under their hands what persons are elected directors, and appoint the time and place of the first meeting of the directors, a majority of whom shall constitute a quorum, for the transaction of the business of the corporation. A new election of the directors shall be held annually, at such time and place as the stockholders at their first meeting shall appoint; but if no election shall be made on the day appointed, such election shall be held at any other time appointed by the by-laws of the corporation.

And the directors chosen at any election shall, as soon thereafter as may be convenient, choose out of their number or otherwise as they may elect, one person to be president, and another to be treasurer of said corporation; and if any vacancy shall occur in said board by death, resignation or otherwise, such vacancy shall be filled by the remaining directors, or

a majority of them.

SEC. 5. That there shall be paid upon every subscription at the time of subscribing, to the person or persons authorized to open said books, the sum of five dollars on each share subscribed; and the residue thereof shall be paid in such instalments, and at such times as may be required by the president and directors of said company, to the treasurer thereof; provided, That no payment other than the first, shall be demanded, until at least thirty days public notice of such demand shall have been given, in two or more prominent newspapers. And if any stockholder shall fail, or neglect to pay any instalment or part of said subscription thus demanded, for the space of thirty days next after the same shall be due and payable, the said president and directors, upon giving twenty days notice thereof, in the manner aforesaid, may, and they are hereby authorized to sell at public sale, so many of the shares of such delinquent stockholder, or stockholders, as shall be necessary to pay such instalments, and the expenses of advertising and sale, and transfer the shares, so sold, to the purchaser, and the residue of the money arising from such sale after paying such instalments and expenses, shall be paid to such delinquent stockholders on demand.

SEC. 6. That the said corporation be, and they are hereby authorized to cause such examinations and surveys to be made of the ground lying between the aforementioned points as shall be necessary to determine the most eligible route whereon to construct said rail road; and it shall also be lawful for said corporation, by its members or lawful agents to enter upon and take possession of all such lands and real estate as may be necessary for the construction and repairs of the said rail road, and the requisite crections. And the president and directors of said company may agree with said owner or owners of any lands, earth, timber, gravel, stone or other materials, or any other articles whatsoever, which may be wanted in the construction or repair of said road or any of its works, for the purchase or occupation of the same; and in case of disagreement with the owner, as to the price of any land required for said rail road, or as to the price of such materials, not previously appropriated by the owner to any particular use, found on any improved land adjoining or near said road; or if the owners are under disability in law to contract, or out of the country, application may be made to any justice of peace of the proper county, who shall thereupon issue his warrant, under his hand and seal, to the sheriff of the proper county, requiring him to summon a jury of six disinterested householders of such county, to appear at or near the land or materials, or property to be valued, on a day named in said warrant, not less than five, nor more than ten days after the issuing of the same. And if any of the persons summoned do not attend, the said sheriff shall immediately summon as many as may be necessary to furnish a pannel of six jurors, who shall act as a jury of inquest of da-

mages, having an oath or affirmation first administered to each by said sheriff, justly and impartially to value the damages which the owner or owners will sustain by the use or occupation of the land, materials or property required by said company; and the jury estimating the damages, if for the ground occupied by said road, shall take into estimate the benefit resulting to said owner or owners by reason of said road passing through, or upon the land of such owner or owners, towards the extinguishment of such claim for damages; and the said jury shall reduce their inquisition to writing, and shall sign and seal the san.e, and such valuation, when paid or tendered to the owner or owners of said property, his, her, or their legal representatives, shall entitle said company to the lands, estates, and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same as a rail road; and the inquest of the jury, after confirmation, or after payment or tender of the valuation. shall be a bar to all actions, for taking or using such property. And such sheriff and jurors shall be entitled to receive from the said company the same fees that are allowed for like services, in cases affixing the valuation on real estate previous to sale under execution. Provided, That either party may, within ten days, appeal from the decision of said jury of inquest, to the court of common pleas, of the proper county, in which such lands are situated, and the said court shall proceed thereon as in cases of appeals for damages in laying out State roads.

SEC. 7. That the said corporation shall have power to determine the width and dimensions of the said rail road, or any part thereof not exceeding one hundred feet in width, and whether it shall be a double or single track, to regulate the form and manner of its construction, and the time and manner in which passengers and property shall be transported thereon, and the manner of collecting tolls for such transportation, and to erect and maintain buildings for the accommodation of the business of the

corporation as they may deem advisable for their interests.

SEC. 8. That the said corporation may construct their rail road across or upon any road or highway, or across any river, stream of water or water course, if the same shall be necessary; but in such case it shall be the duty of said corporation so to construct said rail road as conveniently to admit of the passage or transportation of persons or property, upon any such road, highway, river, stream or water course, and when it shall be necessary to pass through the land of any individual, it shall be their duty to provide such individual, proper wagon ways across said rail road from one part of his land to another.

SEC. 9. That the said corporation shall have power to purchase with the funds of the company, and place on the rail road constructed by them, under this act, all machines, vehicles or carriages of any description whatsoever, which they may deem necessary or proper for the purposes of transportation on said road; and may demand and receive such tolls and freights, for the transportation of persons, commodities and carriages on said road, or any part thereof, as shall be for the interest of the company; and the same to change, lower or raise at pleasure. And the said road, with all the works, improvements, profits and all machinery for transport-

ing are hereby vested in said company incorporated by this act, and their successors for the term of fifty years.

SEC. 10. That at the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the previous year to exhibit a clear and distinct statement of the affairs of the company, and the president and directors shall annually or semiannually declare and make such dividend as they may deem proper, of the nett profits arising from the resources of said company, deducting the necessary current and probable contingent expenses, and they shall divide the sum among the stockholders of said company in proportion to

their respective shares.

SEC. 11. That the president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at pleasure: that they or a majority of them shall have power to determine by contract the compensation of all the engineers, officers, agents or servants in the employ of said company, and they or a majority of them shall have power to pass all by-laws which they may deem necessary or proper, or exercising all the powers vested in the company hereby incorporated, and for carrying the objects of this

act into effect. SEC. 12. That if it shall be necessary for the said rail road company, in the section of the route or construction of the road by them to be laid out and constructed, or any part of it to connect the same with, or to use any road, street or bridge made or crected by any company or persons, incorporated or authorized by any law of this state, it shall be lawful for the said president and directors, and they are hereby authorized to contract and agree with any such other corporation or persons for the right to use such road, street or bridge, or for the transfer of any of the corporate or other rights or privileges of such corporation or persons to the said company hereby incorporated, and every such other corporation and persons incorporated by, or acting under the laws of this state are hereby authorized to make such an agreement, contract or transfer, by and through the agency of the persons authorized by their acts of incorporation, to exercise the corporate powers, or by such persons, as by any law of this state are entrusted with the direction and management of such road, street, or bridge, or any of the rights or privileges aforesaid; and every contract, agreement or transfer made in pursuance of the power and authority hereby granted, when executed by the several parties, under their representative and corporate seals, or otherwise legally authenticated shall vest in the company hereby incorporated, all such roads, parts of roads, streets, rights and privileges, and the right to use and enjoy the same as fully, to all intents and purposes as they now are, or might be used and exercised by the said corporations or persons, in whom they are now vested.

SEC. 13. That if at any time after said rail road and improvements may be located, any unforceseen obstacles, impediments, or inconveniences occur on the route located, or its branches, the said corporation shall have power to deviate from the course marked out, so far, and in such manner

as the said directors may deem best calculated to surmount, overcome or avoid said obstacles, impediments or inconveniencies; said corporation satisfying the damagesthat may be occasioned thereby, to be assessed in the manner provided by the sixth section of this act; and the said corporation shall from time to time make such alteration in the course of said rail road, and improvements as they may deem necessary or convenient, satisfying all damages in manner aforesaid.

SEC. 14. That if any person or persons shall wilfully, by any means whatsoever, injure, impair or destroy, any part of the rail road constructed by said company, under this act, or any of the works, buildings, materials or machinery of said company, such person or persons so offending, shall each of them, for every such offence, forfeit and pay to said company a sum not exceeding three fold the damages, which may be recovered in the name of said company, by an action of debt, in the court of common pleas [circuit court,] of the county wherein the offence shall be committed; and shall also be subject to an indictment in the said court. And upon conviction of said offence, shall be punished; by fine, not exceeding one hundred dollars, and imprisonment in the jail of such county not more than thirty days.

SEC. 15. That this act shall be favorably construed, to effect the purposes thereby intended; and copies thereof printed by the authority of

the State, shall be received as evidence thereof.

SEC. 16. That if the corporation hereby created, shall not within two years from the passage of this act, commence, and in ten years put in operation, the said road from Indianapolis to Michigan City, then this act shall be null and void.

CHAPTER XXVIII.

An Act to incorporate the Indiana Mutual Fire Insurance Company.

(APPROVED, JANUARY 30, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Blake, Oliver H. Smith, Samuel Merrill, John Law, George H. Dunn, James M. Ray, H. P. Thornton, James Collins, Jr. and all other persons who may hereafter become members of said company, in the manner herein prescribed, be, and they hereby are incorporated and made a body politic by the name of the "Indiana Mutual Fire Insurance Company," for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture and merchandise, against loss or damage by fire, whether the same shall happen by accident, lightning or any other means, excepting that of design in the assured, or by the invasion of an enemy, or insurrection of the citizens of this or of any of the United States; and by that name may sue and be

sued, plead and be impleaded, appear, prosecute and defend, in any court of record, or other place whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the object of their association, and the same may sell and convey at pleasure, may make, establish, and put into execution such by laws, ordinances and resolutions, not being contrary to the laws of this state, or of the United States, as may seem necessary or convenient for their regulation and government and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this charter.

SEC. 2. That all and every person and persons who shall at any time become interested in said company, by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken to be members thereof, for and during the term specified in their respective policies, and no longer, and shall at all times be concluded and bound by

the provisions of this act.

SEC. 3. There shall be a meeting of said company at Indianapolis, in the county of Marion, on the first Wednesady of December, annually, or on such other day as the said Company may hereafter determine, at which first annual meeting shall be chosen, by a major vote of the members present, and by proxy, a board of directors, consisting of not more than fifteen nor less than nine members, who shall continue in office until others have been chosen and accepted the trust in their stead. In all vacancies happening in said board, whether by removing from the state dying, or refusing or neglecting to act for and during the space of three months successively, then and in every such case, another director shall be chosen in the place of each director so removing, dying, refusing or neglecting to act as aforesaid, by a majority of the directors present at any monthly meeting, which director so chosen shall remain in office until the next general election of directors; and a majority of the whole board shall constitute a quorum for the transaction of business. At their first regular meeting the board of directors shall class themselves, by lot, into three classes of an equal number each, the terms of whose service shall respectively expire as follows: the first class in one year, the second class in two years, and the third class in three years. Special meetings of the company may be called by order of the directors, or whenever the owners of one tenth part of the property insured in said company shall apply to the directors, setting forth in writing the purposes for which a meeting is desired.

SEC. 4. The board of directors shall superintend the concerns of said company and shall have the management of the funds and property thereof, and of all matters and things thereunto relating, not otherwise provided for by said company. They shall have power from time to time, to appoint a secretary, treasurer, and such other officers, agents and assistants, as to them may seem necessary, and prescribe their duties, fix their compensation, and take such security from them as they may deem necessary for the factorial performance of their respective duties. They shall determine the take of discurance, the sum to be insured on any building,

not exceeding two thirds of its value, nor one half the value of personal. property, and the sum to be deposited for the insurance thereof. They shall order and direct the making and issuing of all policies of insur. ance, the providing of books, stationary, and other things needful for the office of said company and for carrying on the affairs thereof, and may draw upon the treasurer for the payment of all losses which may have happened and for expenses incurred in transacting the concerns of said company. They shall elect one of their own number to act as president and may hold their meetings monthly and oftener if necessary for transacting the business of the company; and shall keep a record of their proceedings; and any director disagreeing with a majority of the board at any meeting, may enter his dissent, with his reasons therefor on record.

SEC. 5. It shall be the duty of the directors of said company, whenever the premium notes thereof shall amount to the sum of one hundred thousand dollars, to build or cause to be built or procure for the use of said company a fire proof building suitable for the transaction of business and for the preservation of the funds and other property belonging to said company from destruction by reason or means of fire. And for the puspose of providing said building, the directors may assess any sum not exceeding five per cent. of the amount of premium notes aforesaid in any one year; and it shall be the duty of the directors to keep said building in proper repair and to renew the same in whole or in part as they may think necessary and expedient.

SEC. 6. The directors shall extend the insurance of said company to every part of this state on all the real and personal property within the same. with the exceptions and provisions herein after enacted, not exceeding the sum of ten thousand dollars in any one risk, at such rate or rates as said directors may in view of the equity of the case and the interest of the company determine. Insurances shall be made in all cases, upon the representation of the assured contained in his application therefor, and signed by him or his attorney; which representation shall, in fairness and good faith, state all the material circumstances within his knowledge which may affect the risk. Provided that in case of any loss or damage by fire the valuation of the property at the time of such loss or damage shall be determined by the award of impartial men as herein after provided.

SEC. 7. Books of accounts, written securities or evidence of debt title deeds, manuscripts, or writings of any description, money or bullion, shall not be deemed nor taken to be objects of insurance in said company. Curiosities, jewels, medals, musical instruments, plate, paintings, sculptures, statuary, watches, gold or silver ware of any kind, shall not be deem. ed to be included in any policy of insurance, unless those articles or any of them form part of the usual and regular stock in trade of the assured or are particularly specified in the policy. Breweries, chemical establishments, bleaching houses, oil mills, or the contents of either of them, alchahol, aquafortis, gunpowder, spirituous liquors, tar, turpentine, varnish, or any other trades, wares or merchandize which may hereafter be excluded by said company at any annual meeting shall never be deemed insurable by directors of said company nor any policy issued thereon.

SEC, 8. Every person who shall become a member of said company

by effecting insurance therein, shall before he receives his policy, deposite his promisory note for such sum or sums of money as shall be determined by the directors, a part, not exceeding ten per cent. of which note shall be immediately paid, for the purpose of discharging the incidental expenses of the institution, and the remainder of said deposite note shall be payable in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses, or other expenses; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses occuring during said term, shall be relinquished and given up to the signer thereof.

SEC. 9. Every member of said company shall be and thereby is bound to pay his proportion of all lossess and expenses happening or accruing in and to said company, and all buildings insured by and with said company, together with the right, title and interest, of the assured, to the lands on which they stand, shall be pledged to said company; and the said company shall have a lien thereon against the assured, during the

continuance of his, her, or their policies.

Sec. 10. In cases of any loss or damage by fire, happening to any member upon properly insured in and with said company, the said member shall give notice thereof in writing, to the directors, or some one of them or to the secretary of said company within thirty days from the time such loss or damage may have happened; and the directors upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage; and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may bring an action against said company for said loss or damage, at the next court to be holden in and for the county of Marion, and not afterwards, unless said court shall be holden within sixty days after said determination; but if holden within that time then at the next court holden in said county thereafter; and if upon trial of said action a greater sum shall be recovered than the amount determined upon by the directors the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened, and costs of suit, but if no more shall be recovered than the amount aforesaid, the said party shall become non-suit, and the said company shall recover their costs: Provided however, That the judgment last mentioned shall in no wise effect the claim of said suffering party to the amount of loss or damage as determined by the directors aforesaid; and provided also, that execution shall not issue on any judgement against said company until after the expiration of three months from the rendition thereof.

SEC. 11. The directors shall after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid, against said company for such loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss and publish the same in such manner as they shall see fit, or as the by laws may have prescribed; and the sum to be paid by each member shall always

be in proportion to the original amount of his premium note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice. And if any member shall, for the space of thirty days after such notice neglect or refuse to pay the sum assessed upon him, her, or them, as his, her, or their, proportions of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his, her, or their deposite note or notes, with costs of suit; and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the term for which insurance was made.

SEC. 12. If it shall ever so happen that the whole amount of deposite notes should be insufficient to pay the loss occasioned by any one fire, in such case the sufferers insured by said company, shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured; and, in addition thereto, a sum to be assessed on all the members of said company, not exceeding fifty cents on every hundred dollars by them respectively insured; and the said member shall never be required to pay for any loss occasioned by fire, at any one time, more than fifty cents on each hundred dollars insured in said company, in addition to the amount of his deposite note, nor more than that amount for any such loss after his said note shall have been paid in and expended: but any member, upon payment of the whole of his deposit note, and surrendering his policy, before any subsequent loss or expense has occurred, may be discharged from said company.

SEC. 13. Said company may make insurance for any term not exceeding ten years, and any policy of insurance, issued by said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding on said company, in all cases where the assured has a title in fee simple, unincumbered, to the building or buildings insured, and to the land covered by the same; but if the assured have a less estate therein, or if the premises be incumbered, the policy shall be void, unless the true title of the assured, and the incumbrances on the premises, be

expressed therein.

SEC. 14. The directors shall settle and pay all losses within three months after they shall have been notified as aforesaid, unless they shall judge it proper within that time, to rebuild the house or houses destroyed, or repair the damages sustained, which they are empowered to do, in convenient time: Provided, they do not lay out and expend in such building or repairs more than the sum insured on the premises; but no allowance is to be made, in estimating damages, in any case, for gilding, historical or landscape painting, stucco or carved work, nor are the same to be replaced if destroyed by fire.

SEC. 15. When any house or other building shall be alienated by sale or otherwise, the policy thereupon shall be void, and be surrendered to the directors of said company, to be cancelled; and upon such surrender the assured shall be entitled to receive his, her, or their deposite note, up-

on the payment of his, her, or their proportion of all losses and expenses that have accrued prior to such surrender: Provided, however, that the grantee or alience, having the policy assigned to him, may have the same ratified and confirmed to him, her, or them, for his, her, or their own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of the said directors, for such portion of the deposite or premium note, as shall remain unpaid; and by such ratification and confirmation, the party cauasing the same shall be entitled to all the rights and privileges, and subject to all the liabilities to which the original insured was entitled and subjected under this act.

SEC. 16. If any alteration should be made in any house or building, by the proprietor thereof, after insurance has been made thereon, with said company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, then, and in every such case, the insurance made upon such house or building shall be void, unless an additional premium and deposite, after such alteration, be settled with and paid to the directors; but no alteration or repairs in buildings, not increasing such risk or hazard, shall in any wise affect the insurance previ-

ously made thereon.

SEC. 17. In case any building or buildings, situated upon leased lands, and insured by said company, be destroyed by fire, and the owner or owners thereof shall prefer to receive the amount of such less in money, in such case the directors may retain the amount of the premium note given for the insurance thereof until the time for which insurance was made shall have expired; and at the expiration thereof the assured shall have the right to demand and receive such part of said retained sum or sums as has not been expended in losses and assessments.

SEC. 18. If insurance on any house or building shall be and subsist in said company, and in any other office, or from and by any other person or persons, at the same time, the insurance made in and by said company shall be deemed and become void, unless such double insurance subsist by and with the consent of the directors, signified by endorsement on the

back of the policy, signed by the president and secretary.

SEC. 19. The company hereby created shall not be concerned in any trade or other business, except the insurance of property against loss or damage by fire; nor shall said company by any possible construction of the powers granted in this act, exercise any banking privileges whatever; but this act shall be deemed and taken to be a public act, and shall be liberally construed to effect the ends and purposes hereby intended and contemplated.

SEC. 20. The directors of said company shall not make more than one assessment for losses in any one year; and in order that such assessment may be made payable at the annual meeting of the company, the directors are authorized, in case of any loss or damage by fire, to borrow such sum or sums of money as may be required to pay such loss or damage: and in making the annual assessment, the interest accruing on money borrowed, and also all necessary incidental expenses, shall be included in such assessment.

SEC. 21. Each and every member of said company shall be entitled to. and allowed an examination of, the books, papers and general transactions of said company, upon application therefor to the secretary.

SEC. 22. It shall be the duty of the directors to make an annual report of the condition, progress and affairs of said company, a copy of which re-

port shall be furnished to the General Assembly.

SEC. 23. The individuals named in the first section of this act shall be, and they hereby are, constituted a board of directors for said company, to serve as such until the first annual election of directors therein provided for. They shall have power, if they think fit, to make up their number to fifteen, as allowed in the third section of this act, from among the members of said company, and all vacancies which may occur in said board, by death, resignation, removal, or refusal to serve, may be filled by the remaining members of said board; and a majority of their number at any time, shall constitute a quorum for the transaction of business. They may call the first meeting of the members of said company, at any suitable time and place, in Indianapolis aforesaid, by advertisement in the several newspapers printed in said town, giving at least ten days notice of the place, time, and design of the meeting. They may make and establish by-laws for the government of said company until the first annual meeting thereof, and may transact any business necessary and proper to carry into effect the provisions and intentions of this act: Provided, however, that no policy shall be issued by said company, until his Excellency, the Governor of the State, shall have made proclamation that application has been made for insurance in said company on fifty thousand dollars at least, of which notice shall be given him by the directors.

SEC. 24. This act shall take effect from and after its passage.

CHAPTER L.

An Act to incorporate the Eel River Bridge company.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons that shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body politic and corporate, by the name and style of the of "Eel river Bridge Company," and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of soing and being sued, defend and being defended, answering and being answered unto, in law and equity in all courts whatsoever, and shall have authority to ordain and establish such by laws, rules and regulations, not repugnant to the constitution and laws of this state or of the United States, as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. The capital stock of said corporation shall be two thousand dollars, divided into shares of twenty-five dollars each, and may be increased to not exceeding ten thousand dellars, by 'he board of directors. if necessary, for the purposes of this corporation.

SEC. 3. That James Jessup, James Stalcup, Grafion Jamison, and Ephraim Owens, jun. be commissioners to open books, for receiving subscriptions to capital stock of said corporation, and the same books shall be opened on or before the tenth day of June, 1837, and each of said

commissioners may receive subscriptions.

SEC. 4. Whenever eighty shares of the stock of said corporation shall be subscribed the commissioner shall cause an advertisement to be inserted in the "Olive Branch" a public newspaper printed at Bloomfield, giving at least three weeks notice of the time and place of the meeting of the stockholders to choose directors; and at the time and place appointed the stockholders shall choose seven directors being stockholders of said corporation, who shall serve one year and until their sucessors are chosen and qualified into office, a majority of whom shall be a quorum to transact business. An annual election for directors shall be held at such time and place as the stockholders at their first meeting shall appoint; the directors thus chosen, shall as soon thereafter as practicable, choose one of their body as president and also to appoint a secretary and such other officers as may be necessary: Provided, That should the stockholders negleet or fail at any annual election, to elect directors, the corporation on that account shall not be dissolved, but the president and directors for the time being shall continue to exercise the duties of their office until their successors are chosen by the stockholders.

SEC. 5. The directors may demand from the stockholders respectively, all such sums of money by them subscribed, at such time and in such proportion as they may think proper, by giving twenty days days' notice in some public newspaper printed in Bloomfield or by giving written notice to the stockholders stating the amount on each share demanded and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinguent for the amount due, in any court of competent jurisdiction, and recover the amount due with two per cent. a month interest thereon, from such delinquent and if the amount cannot be made on execution, or if such delinquent is out of the state, the corporation may declare such stock forfeited to said corporation, with whatsoever amount may have been paid thereon, and the same shall be absolutely forfeited to said corpora-

tion.

Sec. 6. The said corporation may erect a bridge across Eel river at or hear its junction with White river in Green county; and the said corportation shall have and may use the writ of ad guod damnum, with all the benefits arising from the law allowing such writ for the purpose of having condemned the necessary quantity of ground for the erection of the abutments, toll-house and necessary causeways.

SEC. 7. Whenever the said bridge shall be completed, the said corpotion may erect a gate at either end of the bridge and demand and receive a toll, not exceeding the following rates to wit: for every four wheeled pleasure carriage drawn by two horses or other animals, eighteen and three-fourths cents, for each additional horse or other animal attached thereto six and a fourth cents; for every two wheeled pleasure carriage, eighteen and three-fourth cents; for every wagon, cart, sleigh, sled or cutter drawn by one horse or other animal, twelve and a half cents; for every cart, sleigh or sled drawn by two horses or oxen eighteen and three fourth cents; for every four wheeled wagon drawn by four or more horses or other animals, twenty five cents; for each man and horse, six and a fourth cents, for each head of neat cattle, two cents; for every sheep or hog, one cent; for every foot passenger, four cents; for each horse, mule or ass, three cents, but all persons going to or returning from religious worship, and all funeral processions, and all persons going to and returning from elections and military trainings, shall be exempt from paying toll.

SEC. 8. If any person shall wilfully impair or injure said bridge, he, she or they so offending, shall forfeit and pay to the corporation, treble the amount it may cost to repair the same, with costs of suit, to be recovered on conviction thereof before any court of competent jurisdiction.

SEC. 9. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to said corporation, eight times the amount of the legal toll, to be recovered by an action of debt before a justice of the peace.

SEC. 10. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate or shall receive and demand more than the legal toll, he shall for every such offence, forfeit the sum of five dollars, to be recovered with costs before a justice of the peace, to the use of the person so unreasonably delayed, hindered or defrauded.

Sec. 11. The said bridge shall be built not less that twenty feet wide, and shall be well secured by railings on each side not less than four feet high.

SEC. 12. If said bridge shall not be constructed within three years from the passage of this act, then and in that case, this act shall be null and void, otherwise to remain in full force and virtue for the term of thirty years.

SEC. 13. The navigation of Eel river shall be preserved free from obstructions, and the bridge shall be built of sufficient height to admit loaded boats to pass under it in ordinary stages of said river.

SEC. 14. Certificates of stock shall be given to stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the secretary. The stock shall be transferable on the books of the corporation only, personally, or by agent or attorney, duly authorized for that purpose; but such stock shall at all times beholden by the corporation for any debts due from the holders thereof to the corporation, and shall be considered personal property liable to be seized and sold on execution.

SEC. 15. It shall be the duty of the corporation to cause a full state ment of the affairs of the corporation to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders. The president and directors shall fill all vacancies

that may happen in their own body; they may sit on their own adjournments, or on the call of the president, and when the president is absent the directors may appoint a president pro tem.

SEC. 16. In all elections for directors, each stockholder shall be entitled to vote either in person or by proxy, under such regulations as may be prescribed by the stockholders, according to the following scale, to wit: for each share not exceeding five shares, one vote, for every two shares above five and under fifteen one vote, and one vote for every three shares above fifteer.

Snc. 17. Half yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Monday of January and July annually, unless the directors fix on different times and paid to the several stockholders as soon thereafter as it can with convenience be done, but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses.

SEC. 18. That the stockholders in said incorporated company shall be liable out of their own individual estates for all debts and liabilities incurred by said incorporated company: Provided however, That said liability shall not commence until all the property belonging to the incorporation has been exhausted.

This act to take effect be in force from and after its passage.

CHAPTER LI.

An Act to incorporate the Patriot Turnpiks Company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Daniel Vanpet, Bela Harick, Sylvian How, Silas How, Martin R. Green, Colin M'Nutt, Jr., William Cunningham, Jacob R. Harris, John M'Nutt, Joshua Hicks, Arthur Humphrey, Thomas Cole, Jesse McMillery, and Levi Beckley and their associates, of Switzerland county, and James Innis of Ripley county, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body corporate and politic, and by the name and style of "The president and directors of the Patriot Turnpike Company," shall be able and capable in law, and equity, to sue and be sued, defend and be defended against, plead and be impleaded in any court of justice of this State, to make and use a common seal, and the same to alter, break and change at pleasure, and shall be able to make and enforce contracts under their corporate name, and to make such by laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws of this State.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each, with power to increase the capital stock if necessary, to accomplish the objects herein contemplated.

SEC. 3. This corporation shall have full power to employ all necessary agents to carry into effect the provisions of this act. They shall keep a journal of their proceedings, in which shall be entered all by laws and regulations; and all orders for the payment of their efficers and all others in their employ, which journal shall from time to t me be read, corrected and signed by the president. They may sit on their own adjournments, and on the call of the president. When the president is absent they may appoint a president pro. tem .. They shall fill all vacancies which may happen in their body.

SEC. 4. This corporation shall cause books to be opened for the capital stock, at such times and places, as they may think fit; and notice having been given by publication in some public newspaper in this State,

in each of which books the following entry shall be made:

We, the undesigned, promise to pay the sum of fifty dollars, for each share of stock set opposite our names, in such manner and proportions, and at such times, as the directors of the Patriot Turnpike Company may day of Witness our hands, this direct.

SEC. 5. It shall be lawful for all persons of lawful age, or for the agent of any corporate body, to subscribe for any amount of the capital stock. And the said corporation shall have power to offer in any other State such an amount of capital stock as they may deem fitting, and they shall have power on their own credit to borrow money on such terms as they may agree upon. This corporation may require such sum of money to be paid at the time of subscribing, not exceeding ten dollars on each share, as they may think proper, and the amount required to be paid shall be made known in the notice for opening the books; and any future pay-

ments shall be under the contract of the corporation.

Sec. 6. As soon as one hundred shares are subscribed for, and two dollars paid on each share, it shall be the duty of the corporation, having received such subscription, to give three weeks notice thereof, in some newspaper in this State; and in such notice appoint a time and place for the stockholders to meet and elect eleven directors, who shall be stockholders and citizens of this State; which election shall be by ballot, and conducted under the superintendance of one inspector and two judges, appointed by the stockholders present; and the persons having the highest number of votes [shall be] declared duly elected. No share shall confer a right to vote at any election, unless the same shall [have] been held one month previous to the election. In all elections, each share shall entitle the holder to one vote only, to be given by the person, firm or corporation owning the same. The agent of any person, firm or corporation having a right to vote may vote by proxy.

SEC. 7. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as may be convenient, and elect one of their body a president. The president and directors thus elected, shall continue in office until the next anmud election and until their successors shall be elected and qualified.

Sec. 8. All elections after the first, shall be held on the first Monday of June, annually; of which election notice shall be given, and should no election be held on the day appointed in this act, it shall be lawful to

hold an election on any subsequent day, under another notice.

SEC. 9. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk. The stock shall be transferable on the books of the corporation only, signed by the owner or by an agent or attorney, or by the administrator, executor, trustee, guardian or the stockholder in his own person; but such stock shall at all times, be holden by the corporation for any sums from the holder thereof to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer.

SEC. 10. This corporation shall have power to call for such portions of the stock subscribed, not exceeding ten per centum for every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in some newspaper in this State, in which shall be specified the amount demanded on each share, and the time and place of payment. And if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount, with two per centum interest thereouger month. And if the amount cannot be made on execution, or if such delinquent is out of the State, then such corporation may, by an order on their books, declare the stock owned by such delinquent forfeited, together with the amount the owner may have paid on the same. And no such delinquent, before the forfeiture of his stock, shall have a right to vote for stockhold. ers, or receive any dividend on his stock, until the demands of the corporation are fully satisfied. The corporation shall require of all officers and others in their employ, bonds with security, as they may think proper for the faithful discharge of their duty.

SEC. 11. And for the purpose of making examination and location, they are hereby authorized to enter upon the land of any person by their agents, to make surveys and estimates, and in search of materials necessary for the construction of said road, doing no damage. But no stone or ground or other materials shall be taken from the land of any person without the consent of the owner thereof, until the rate of compensation be fixed and paid. Said turnpike road shall commence at Patriot, and extend to the intersection of the Vevay and Napoleon turnpike.

SEC. 12. It shall be lawful for said corporation to obtain from owners of land through which said contemplated road may run relinquishments of land sufficient for the construction of the road, as also the necessary stone, gravel and other materials, and may contract for stone, gravel or other materials convenient thereto; and may receive by donations, gifts, grants and bequests, money, to borrow money for the benefit of the corporation, and all such grants, donations, gifts or bequests made by any person competent in law to contract, and for the benefit of the said corporation, shall be binding and obligatory: and the corporation may, and shall have their action at law, to compel a compliance thereto; Provided, That all such contracts, donations, gifts and bequests be made in writing, by the person making the same.

SEC. 13. That in all cases when any person through whose land said road may run, shall refuse to relinquish his land, or where a contract with the parties cannot be made, the corporation to give notice to some justice of the peace in the county where such circumstances may exist or occur. And such instice shall thereupon summon the owner of the land to appear on a particular day, within ten days thereafter, and shall appoint twelve disinterested men of the neighborhood, or such number as may be agreed on by the parties, who shall, after having taken an oath faithfully and impartially to assess the damages, if any, view the land and materials, and after having taken into consideration the advantages as well as the disadvantages, the road may be to the same, shall report thereon, whether such person is entitled to damages or not; and if any, what amount of damages, and shall file such report with such justices. Whereupon said justices shall enter judgment thereon, unless for good cause shown, and in case either party can show good cause, why the justice should grant a review, he shall order the same to be reviewed either with or without costs, either party may appeal to the circuit court of the proper county, as in other cases, and the cause shall then be triedt and final judgment rendered; and such court shall appoint reviewers who may report at that or the succeeding term until which report judgment shall not be rendered.

Sec. 14. In all cases where the owner is a minor insane person, or shall reside out of the county where the land may be, such justices shall cause three notices to be stuck up of the time and of appointing reviewers, and if no person appears he may adjourn the trial for two weeks, at the end of which time, he shall appoint a guardian ad litem or committee to act for such minor or insane person as the case may require, to act for the minor or insane person in the suit aforesaid, but such appointment need not be made if the guardian at law, or committee of the estate of such person, appear to defend, and he shall then proceed as in other cases, and on the judgment being rendered, and the corporation complying therewith, by payment of costs and damages or both, against them, the corporation shall be seized of the land and materials, cost shall be allowed or awarded against either party at the discression of the justices.

SEC. 15. If it shall be found necessary to the construction and location of said road the corporation shall have the right to lay the same along or upon any county or state road: provided, before such location shall be made, the corporation shall apply to the board of county Commissioners of the proper county for said right, and the said board is hereby required if they deem it to be for the public good, to grant such right, and shall enter the same on the records of the proper county.

SEC. 16. The corporation shall commence the work within five years, and complete the same within twenty years from the commencement;

Provided, that if any part of the road shall be completed, the charter shall not be forfeited as to that part of the road which is completed although the residue of the road may not have been completed within the time.

SEC. 17. The corporation shall cause said road to be opened not exceeding sixty feet wide, at least twenty feet of which shall be thrown up into a curve in such manner as to secure a firm, substantial and even road, and shall constantly be kept in repair, and in no case shall the ascent of the road be greater than five degrees.

SEC. 18. That when said road or any particular section be located it shall be the duty of said corporation to cause a plat thereof to be filed in the office of the Secretary of State, and after that time, it shall not be lawful for the corporation to alter or change said road, unless by contract with the proprietors of the land over which the proposed change is to be made.

Sec. 19. That if said road after its completion or any section thereof shall be suffered to go to decay so as to be impassable for one year unless when the same is repairing this charter shall be considered as forfeited.

SEC. 20. So soon as the corporation shall have completed their road or any section of ten miles thereof an agent shall be appointed by the governor who shall examine said road or section, and report whether the same be finished according to the charter, which report shall be entered on the journals of the corporation, and if the same be favourable showing the completion of said road or any section thereof of ten miles in length according to the provisions of this act the said corporation shall be at liberty to erect toll gates not less than five miles apart, and demand and receive of persons travelling said road, such tolls as the board doing county business for the county of Switzerland shall from time to time order and direct, and said board shall be governed by the usual rates on similar turnpike roads.

SEC. 21. If any person or persons using said road shall with a view or intent to defraud said company pass through any private gate or bars or along any other ground near to this turnpike, or shall practice any fraus dulent means to lessen the payment of such toll, each and every person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay to said company, the sum of five dollars, without any stay of execution, to be recovered by an action of debt, at the suit of the corporation, before any justice of the peace of the proper county: Provided, That nothing in this act shall be so construed as to prevent persons residing on said road, from passing thereon about their premises between the gates for common and ordinary business.

Sec. 23. If the said corporation shall fail for ten days in succession, to keep said road in repair, and complaint thereof be made to a justice of the peace of the county, it shall be his duty forthwith to summon three disinterested freeholders to examine the same; and he shall give notice to the nearest toll gatherer of the time when said freeholders will proceed to examine that part of the road complained of; and the said freeholders, after having taken an oath or affirmation to act impartially, shall proceed in the examination, and if they find the same out of repair, they shall cer-

tify it tosaid justice, whose duty it shall be forthwith to transmit a copy of such certificate to the nearest toll gatherer, on said road, and from the time of receiving the same, it shall not be lawful to charge any toll, on the section of the road for ten miles where such road is out of repair, until the same has been put into full and complete repair, under penalty of five dollars for every such offence, to be recovered of said corporation by action of debt, at the suit of the party aggrieved and for his benefit.

SEC. 24. The company shall put up a post or stone at the end of every mile, with the number of miles from Patriot fairly cut or painted thereon, and also in a conspicuous place near each gate, shall be placed a board with the rates of toll fairly painted thereon; and such other matter in re-

lation to direction as may be necessary.

SEC. 24. If any toll gatherer on said road shall unreasonably detain passengers after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed; he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit, before any justice of the peace having competent jurisdiction, at the suit of the party injured, provided, that if no suit or action shall be commenced within thirty days from the time of incurring

the penalty, the same shall be barred.

SEC. 25. The corporation shall cause to be kept a fair account of the whole expense of making and repairing said road or any section thereof, with all incidental expenses; and also a fair account of the toll received; and the state shall have the right to purchase the stock of said company, at any time after twenty years, on paying said corporation a sum of money, which together with the toll received shall equal the cost and expense of said turnpike road as aforesaid, with an interest of twelve per centum per annum; and the books of the corporation shall always be open for the inspection of any agent of the state, appointed for that purpose by the legislature, and if the said corporation shall neglect or refuse to exhibit at any time, their accounts agreeably to this section, when thereto required, then all the rights and privileges granted by this act, shall cease and be at an end.

Sec. 26. The said corporation shall be, and are hereby authorized and empowered to demand and receive the same toll, and proceed in the same manner to collect the same, from the driver, owner or owners, of any stage, carriage or sleigh, in which shall be conveyed the mail of the United State, as they have, by this act, a right to do from the drivers of similar carriages and sleighs, drawn by the same number of horses, in which no mail is carried, any law to the contrary notwithstanding; provided, that nothing herein contained, shall be so construed, as to empower said corporation, their agent oragents, to stop or detain any person, carriage, sleigh or horses, while actually employed in the conveyance of the said mail.

SEC. 27. It shall be lawful for the board doing county business, of each and every county, through which said road may run or pass, for and on behalf of such county, to authorize, by an order as much of the stock to be taken, as they may think proper.

SEC. 28. This charter is hereby limited to fifty years in its duration.

SEC. 29. This act to take effect, and be in force from and after its passage, and shall be taken and considered as a public act in all courts of record within and out of this state, as also in courts of justices of the peace, and shall be beneficially construed.

CHAPTER LII.

An Act to incorporate the town of Greenfield in Hancock county.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Jonathan Dunbar, John Justice, Lot Edwards, Edward Anderson senr. and Andrew M. Pattison and Cornwell Meek and Isaac Stevens be, and they are hereby appointed trustees of the town of Greenfield in the county of Hancock to serve as such until the first Monday of March 1838, and until their successors are elected and qualified as hereafter directed.

SEC. 2. That the trustees aforesaid at their first meeting under this act shall elect a president from their own body whose duty it shall be to preserve order and put all questions before them, and upon an equal division of the board give the casting vote, and at the close of each meeting shall sign the minutes of the same, and the said trustees shall also at their said first meeting appoint all officers necessary to carry into effect the provisions of this act, and make such compensation to such officers as to

the majority of the board may seem reasonable.

SEC. 3. That the said president and trustees of said town of Greenfield and their successors in office, shall be and the same are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of the President and Trustees of the Town of Greenfield; and by their corporate name shall be capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered to, defend and be defended in any court having competent jurisdiction, and shall have power to make, have and use a common seal, and the same to alter, amend and break at pleasure, to ordain, order, establish and put into execution and earry into effect such by-laws, rules, ordinances and regulations necessary and proper for the benefit, conveniences, good government and police of said town.

SEC. 4. That the said president and trustees, or a majority of them, shall have power to lay off said town into as many wards as they may deem necessary; and on the first Monday of March, annually, there shall be an election at the court house or other convenient place in said town, to be designated by the said president and trustees, to be elected by ballot, seven trustees for said corporation, at which election each white male

citizen of said town, who shall have the qualifications of a voter for state and county officers, and shall have resided in said town two months next preceeding such election, shall be entitled to vote at the same; ten days previous notice of which election shall be given by the president and trustees aforesaid, by public notice in some newspaper, (if there should be one,) or by written notices set up in three of the most public places in said town, designating the time and place of holding such election.

SEC. 5. The president and trustees of said town shall, at their meeting preceding each annual election, appoint an inspector of elections, whose duty it shall be to attend all elections for said town, and take to his assistance two qualified voters of the town, who shall be judges of said election; and said inspectors and judges shall appoint two clerks of election, all of whom, after being sworn or affirmed, faithfully to discharge their duties as such, (which oaths or affirmations the acting president of said corporation, or any other person authorized to administer oaths may administer,) shall proceed to receive the votes between the hours of ten o'clock, A. M., and four o'clock, P. M., on the day of election: Provided however, If the inspectors should fail to attend any election, the voters present may choose one to act in his place; And, provided also, That if the electors should fail to attend, or the president and trustees should fail to give notice of any election, the said corporation shall not thereby be dissolved, but the president and trustees, then in office shall continue in office until successors shall be elected, at an annual election for said town.

SEC. 6. It shall be the duty of the inspector and judges of such election to certify, under their hands, the seven persons who received the highest number of votes for trustees of said incorporation, which certificate shall be filed and recorded by the clerk of said corporation, whose duty it shall be to make out and deliver copies thereof to each of the persons therein named, which certificate shall be sufficient evidences of the election of such trustees. The trustees thus elected, or a majority of them, shall meet within ten days after such election, and after taking an oath or affirmation, faithfully to discharge their duties as such trustees, shall elect one of their body to preside, as provided for in the second section of this act; and in case of absence of the president, at any meeting of the board, the trustees present may appoint one of their number president pro tem. No person shall be eligible as trustee, unless he be eligible as a voter, also a freeholder or householder in said town. When vacancies happen by death, resignation, removal or otherwise, such vacancies shall be filled by appointment of the trustees, until the next annual election; a majority of the trustees shall at all times form a quorum to do business; they shall meet on their own adjournments and appoint their own officers, as provided in the second section of this act.

SEC. 7. It shall be the duty of the president of the board to sign all laws, ordinances and decrees of a public nature, and also sign the records of all their by-laws and journals or minutes of their proceedings, and at the first meeting of the president and trustees, after the taking effect of this act, and after each annual election, as soon as may be convenient, they shall elect or appoint a clerk, a treasurer and a marshal of said cor-

poration, each of whom shall serve one year and until their successors shall be chosen and qualified, and shall possess the qualification of voters and take a similar oath of the trustees; give bond and security, payable to said president and trustees, conditioned for the faithful discharge of their duties respectively; and on failure to perform all or any of the conditions of said bond, they shall be liable to the suit of the president and trustees aforesaid, on said bond against them and their securities, who may assign breaches upon the condition of said bond, and recover a judgment for any default in the discharge of the duties of such officers, together with full cost of suit and ten per centum damages, if such suit be brought for the non-payment of any sum of money due said corporation, in any court having competent jurisdiction, and on which judgment there shall be no stay of execution.

SEC. 8. The president and trustees shall have power to levy annually, and collect a tax on real property, not exceeding one half per centum on its valuation, exclusive of improvements, and on all shows and amusements which may be exhibited for gain, not less than three nor more than ten dollars for each exhibition, and may levy a tax on any specific article or articles of personal property, and upon retailers of spiritous liquors, and upon venders of merchandize; and in addition to the above, the said president and trustees may levy and collect a poll tax on every actual citizen qualified to vote, not exceeding twenty-five cents.

SEC. 9. The president and trustees shall have power to pass such laws and ordinances or decrees as may be necessary to guard against damages by fire; to organize fire companies and govern the same; to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern the markets; to prevent the erection of public nuisances; in the town and remove the same; to declare what shall be public nuisances; to sink and keep in repair public wells, and shall have the sole and exclusive power and authority to keep in repair all necessary streets, alleys and drains and to pass regulations necessary for the same agreeable to the plan of said town, and generally to enforce by proper penalty the observance of all laws and ordinances relative to the police and government of said town.

Sec. 10. The limits of said town, shall for the purposes of taxation and police, extend to and embrace the plat of said town of Greenfield, including the out lots with any addition or additions which have been or may hereafter be made to said plat as the same is or may hereafter be entered of record in the recorder's office of said county of Hancock and for purposes of police, good government, and for the suppression of gambling, rioting, horse-racing and other immoral and improper conduct the limits of said corporation shall extend one half mile in every direction from the court house in said town.

SEC. 11. The president and trustees shall in the month of April in each year appoint an assessor who shall take an oath of office, after which he shall proceed forthwith to make a fair list in alphabetical order, of all persons subject to taxation together with such property as the president and trustees may direct him to list also of all lots and fractions of lots, partic-

ularly noting the number or other description thereof, the owner's name if known, and whether resident or non-resident, and after having completed such list, he shall take to his assistance two freeholders, who, having taken a like oath or affirmation as the assessor and faithfully and impartially to value the real property, directed as aforesaid to be assessed shall with the assessor proceed to value the same, and such assessor shall on or before the 15th May next succeeding make return of such assessment to the clerk of the corporation.

SEC. 12. The president and trustees shall in the month of May in each and every year, levy a tax on the property so assessed and returned by the assessor and appoint a collector to collect the same, who shall take an oath of office, give bond and security to be approved of by the president and trustees, conditioned that he will faithfully discharge his duty, and pay over to the treasurer of said corporation, all monies that may come into his hands as such collector and shall hold his office for one year un-

less sooner removed.

SEC. 13. The president and trustees shall cause the clerk to make out a fair copy of such assessment list setting forth the amount of tax charged on each poll and each item of property and shall deliver the same to the collector on or before the first day of June annually, and certify the amount of tax contained in such duplicate to the treasurer, such duplicate so put into the hands of the collector certified by the president and attested by the clerk shall be sufficient authority for the collector to collect the taxes charged thereon.

SEC. 14. It shall be the duty of the collector to receive the amount of taxes due from each individual, on or before the first day of July in each and every year, and in all cases where the taxes assessed are not paid by that time by any individual, it shall be the duty of the collector to procoed and collect the same, by distress and sale of any of the personal property of such delinquent, (subject to execution by the laws of this state,) by giving ten days notice of the time and place of such sale, by advertisements set up in three of the most public places in said town.

SEE. 15. In all cases where the tax due cannot he made of the goods and chattels of such delinquent, it shall be the duty of the collector to levy upon and make sale of the lots or fraction of lots or so much thereof as will pay the taxes of such person, (if said person shall own any lots or fractions of lots in said town) and all costs due thereon, by giving twenty days notice of the time and place of sale in some weekly newspaper, published in said town if any there should be, or by setting up written notices, in five of the most public places in said town, in which notice he shall describe the lot or lots to be sold by their proper number, or some other certain description with the owner's name if known, or the person's name to whom it is supposed to belong, and file one of said advertisements with the clerk of said corporation, to be by him filed amongst the records of said corporation. The collector shall, on the day of sale, by proclamation proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs due, for the smallest portion of the lot or lots so offered for sale, and shall give the purchaser a certificate of such purchase, setting forth the amount paid, including tax and costs, and that

such purchaser will be entitled to a deed for the lot or lots purchased, at the end of two years, unless some person shall redeem the same by paying to the purchaser, his heirs or assigns or to the clerk of the corporation. for his use, the amount of the purchase money, with one hundred per centum per annum thereon.

SEC. 16. In case the owner of any lot or fractional lot so sold as aforesaid shall not pay the amount of the purchase money with the per centum thereon as aforesaid within two years from the day of sale, it shall be the duty of the collector then in office to make a deed to the purchaser, his, her or their heirs or assigns for such lot or fraction of lot, which deed acknowledged and recorded agreeable law, shall vest the title thereto in the purchaser, his, her, or their heirs or assigns, and such tax after the assessment shall be lien on the owners' real estate in said town, and in all cases where lots are assessed and the owners' name is not known, such rale shall be valid and good to the purchaser.

SEC. 17. The collector may adjourn his sale from day to day, and if at the final adjournment of his sale, any lot or lots should remain unsold for want of buyers, he shall make return thereof, and the amount of the taxes and cost shall remain as a lien on such lot or lots and shall be added to the next year's assessment together with twenty-five per centum thereon. The collector shall be allowed fifty cents for each sale and certificate and

the expense of advertising the same.

SEC. 18. It shall be the duty of the collector to make return of his proceedings and the sales made to the clerk of the corporation on or before the first day of September annually, and pay over to the treasurer all monies by him collected, at which time he shall furnish a list of delinquents for which he shall receive a credit if deemed correct and true.

SEC. 19. All bonds given by the officers of the corporation and all contracts entered into with the corporation, shall be in the name of the president and trustees of the town of Greenfield, and all suits commenced for the benefit of the corporation or where the corporation shall be defendant, shall be in the name of "the President and Trustees of the town of Greenfield," without setting forth the name of any member there-

SEC. 20. It shall not be lawful for any person or persons within the bounds of the corporation to sell by a less quantity than one quart, ex. cept for the use of the sick, any spirituous liquors foreign or domestic, or keep what is commonly called a tippling house, unless such person or or persons shall (in addition to a license obtained from the board of commissioners,) obtain a license from the corporation, who is hereby authorized to grant the same to such applicant for one year or less at any one time on his, her or they paying unto the treasurer of the corporation a sum not less than one nor more than ten dollars at the discretion of the president and trustees of said town; and if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house. contrary to the provision of this act, he, she or they so offending, shall on conviction thereof in an action of debt or on the case brought by the president and trustees against the offender or offenders, before a justice of the peace or any court having competent jurisdiction any sum of money

not more than twenty or less than three dollars, for every violation of this section, and shall upon conviction thereof by presentment or indictment (in which indictment it shall not be necessary to relate this act,) in any court of competent jurisdiction be fined in any sum not more than thirty or less than five dollars for use of the county seminary, and for the better regulation of the peace and good government of the town, the president and trustees are hereby authorized to pass and adopt laws and ordinances for the suppression of immorality, intoxication, rioting or whatever else may detract from the peace and good order of society of said town, and for the purposes of carrying into effect the provisions of this act, the president and trustees are hereby authorized to appoint a marshal, who shall within the bounds of said corporation, be a peace officer, and in the service of all process within said corporation, in which the corporation may be a party, the marshal shall have the same authority and be subject to the same responsibility as a constable.

SEC. 21. Whenever the owners of any lot on any street or section of a street, shall be desirous of making any improvement on the same, by grading, graveling or paving said street or the side walk, if two-thirds of the owners of lots on said street or section of a street by themselves, their tenants, or other occupants thereof, representing two-thirds of the whole number of feet on each side of any street or section of a street, or twothirds of the whole number of feet on one side of any side walk, shall by petition represent to the president and trustees of said town plainly and distinctly, the improvement wanted or contemplated to be made, it shall be the duty of the president and trustees to cause the same to be done agreeably to the wishes of the petitioners, and the expenses of such improvement shall be assessed and levied on all the lots fronting on such improvement, equally per foot for the distance such improvement may be intended to extend; which assessment and levy from the time of making the same, shall be and remain a lean upon said lot or lots, until the amount so assessed and levied shall be fully discharged. It shall be the duty of the clerk of the corporation, to enter such petition on record with the petitioner's names, the number of feet owned or represented by each, and shall make out and deliver to the collector of the corporation, a list of the owners' names, the number of feet front owned by each individual, and the whole amount assessed and levied on each lot or fraction of lot; which list, signed by the president and attested by the clerk, shall be sufficient authority for the collector to collect the same; and if the owner or occupant of any let or part of a lot, shall neglect or refuse to pay the amount so assessed and levied within three months after such levy, the collector shall proceed to collect the same by sale of such lot or part of lot, or so much thereof as will pay the amount so levied. And in such sale and conveyance to the purchaser thereof, he shall in all respects be governed by the fifteenth and sixteenth sections of this act, and the right of redemption, shall be the same as is provided for in the fifteenth section of this act. And if any such lot or fraction of lot shall not sell for want of buyers or any other legal cause, the same may be re-offered by such collector from time to time, until the same shall be sold, adding the costs that may accrue at each time, for advertising, &c. And the collector

shall be entitled, in addition to the cost of advertising, to the same fee for such sale, as he is allowed in the seventeenth section of this act, the collector making the same, shall be allowed one dollar for making the same to be paid by the person recovering said deed.

SEC. 22. All laws and ordinances passed by the president and trustees of a public nature, shall be published by setting up written or printed copies thereof, in three of the most public places in the corporation, or by publishing the same in some newspaper in said [town], if any there should be, ten days before the same shall be in force. And it shall be the duty of the president and trustees in the month of March, annually, to cause a full statement of the receipts and expenditures of the past year, to be posted up in three of the most public places in the corporation.

Sec. 23. That all resident male citizens living within the corporation of said town, between the ages of twenty-one and fifty, [years,]-persons exempted by law or excused by the president and trustees of said town,)shall work the streets and alleys of said town, two days in each and every year. Each person made liable to work the streets and alleys of said town, by this section, who shall fail to attend in person, or by satisfactory substitute, at the time and place appointed by the marshal, within the corporation aforesaid, with the designated tool or implement, having had three days notice thereof, or having attended, shall spend his time in idleness, or disobey the marshal who is hereby declared to be supervisor of the streets and alleys of said town, shall forfeit and pay the sum of seventy-five cents, for every such delinquency, to be recovered by an action of debt, in the name of the president and trustees of the town of Greenfield, before any justice of the peace of the proper county. And it shall be the duty of said marshal to report to the president and trustees all delinquencies arising under the provision of this section.

SEC. 24. The thirty-fifth section of an act for opening and repairing public roads and highways, approved February 10, 1831, and the third section of an act to amend an act entitled an act for opening and repairing public roads and high ways, approved February 4, 1836, the same is hereby repealed, so far as relates to citizens residing within the corporation of said town.

This act to be in force from and after its passage.

CHAPTER LIII.

An act to amend an act, entitled an "act to incorporate the Turkey Plain Manufacturing Company," approved February 7, 1835.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the words "Turkey Plain," in the first section of the above named

act be, and the same are hereby stricken out, and the word "Liverpool," inserted; and also in the eighth section of said act, and fourth line, the word "no" is hereby stricken out, and the word "all" inserted instead.

SEC. 2. Be it enacted, That the said "Liverpool Manufacturing Company," may, and they are hereby authorized and permitted to cut a race from Turkey creek to the town of Liverpool, for the purpose of using the water in said creek for any hydralic purposes, to drive any machinery which said company may build and erect at the town of Liverpool; Provided, however, That the cutting said race shall not be made through the lands of other besides the company, unless by the consent of the owners of the lands, nor without paying for all reasonable damages and injury occasioned by the cutting of said race. And, provided also, That the water taken out of said creek, shall not be used for the purposes mentioned in this act, if it would in any manner impede or obstruct any navigation on Deep river, below its mouth; Provided, That nothing herein contained, shall bereafter prevent the State from using any water applied by the company, to the purpose of propeling machinery or to any other purpose, to feed any canal or other channel of navigation which may bereafter be constructed by the State.

CHAPTER LIV.

An act to incorporate the Lawrenceburgh and Tanner's Creek Bridge Company, at the mouth of Tanner's Creek.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body politic and corporate, by the name and style of the "Lawrencburgh and Tanner's Creek Bridge Company," and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of suing and being sued, defending and being defended answering and being answered unto, in law and equity in all courts whatsoever, and shall have authority to ordain and establish such by laws, rules and regulations, not repugnant to the constitution and laws of this State, or of the United States, as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. The capital stock of said company shall be ten thousand dollars, divided into shares of ten dollars each, and may be increased to not exceeding twenty thousand dollars, by the board of trustees, if necessary for the purpose of this corporation.

SEC. 3. That William Morgan, William Tate, and Amaziah Bailey be commissioners to open books for receiving subscriptions to the capital stock of said company; and the same books shall be opened on or

before the first Monday in July, 1837, and each of said commissioners may receive subscriptions.

SEC. 4. Be it further enacted, That all the right, powers and privilege, which are granted to the "Miami Bridge Company," in sections four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and severteen, of an act entitled, "an act to incorporate the Miami Bridge Company, approved February 6, 1836," be, and the same is hereby extended to the company first named in this act.

This act shall take effect from and after its passage.

CHAPTER LV.

An act to amend an act, entitled, "An act to incorporate the Town of Terre Haute, approved February 1, 1833."

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the limits of the corporation of the town of Terre Haute, as organized under the act approved January 20, 1832, be and the same are hereby extended, so as to embrace within its jurisdiction the following outlots: to wit. two tiers on the north side; three tiers on the east side: one tier on the west side, and two tiers on the south side, east of Market street; and lots No. 30 and 31, west of Market street; and that so much of the act to which this is an amendment, approved February 1, 1834, as confined the limits of said corporation to the record plat of said town. And one tier of lots on the west side thereof, be, and the same is hereby repealed.

This act to be in force from and after its passage.

CHAPTER LVI.

An Act to amend an act to incorporate the Jeffersonville No.

New Albany

(APPROVED FEBRUARY 3, 1837.)

SE. 1. Be it enacted by the General Assembly of the State of Indiana, That the fifteenth section, and so much of the ninth section of the aforesaid ecited act as has reference to the rates of toll to be paid for the passage of vessels, boats, barges or other craft, be, and the same is hereby repealed.

SEC. 2. That when the said conal shall be completed, suitable for the passage of boats, drawing four feet water, in low stages, the president and directors, by themselves, agents or servants, shall have power and authority, to demand and receive from the owner or owners, masters or agents of all vessels, boats, tharges or other craft, entering the said canal, the following rates of toll, to be paid before the said vessel, boat, barge or other craft shall be suffered to pass through the same, to wit: for steam boats, sea vessels, barges or keel boats, any sum not exceeding sixty cents per ton, United States' measurement; for each flat boat, not exceeding twenty dollars; for each raft of timber, plank, or other lumber, not exceeding twenty dollars for every sixty feet in length and twenty in. width.

SEC. 3. That the directors of said company shall at any time when they deem it necessary, increase the amount of the capital stock thereof to any an ount that may be necessary to complete said work.

SEC. 4. That the time for the commencement of said canal shall be, and it is hereby extended to the term of four years from and after the

passage of this act.

SEC. This act to take effect and be in force so soon as the said company shall cause an entry, on the records of their proceedings, an acceptance of the provisions of this act.

that the bings of the corporation of the last of Reiro Maybe of order

view same and has ad. West Werenablest bevering the advishor has

CHAPTER LVII.

An act to increase the capital stock of the Lawrenceburgh Bridge Company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the capital stock of the Lawrenceburgh Bridge Company be, and the same is hereby increased to the sum of fifteen thousand dollars; Provided, however, That Jeremiah Phinney of Dearborn county, shall have the exclusive privilege and right to subscribe for the increased amount of stock, on or before the first day of April next.

SEC. 2. Be it further enacted, That should said Phinney subscribe on the books the increased amount set forth in the first section of this act, and pay one dollar on each share, on or before the fifteenth day of April next, then, and in that case, he the said Phinney, shall enjoy and possess all the rights and privileges of old stockholders, in the election of directors at the next annual election; and may transfer the same or any part thereof to whom he pleases. The balance due on said stock to be paid in instalments, as the directors mny require, from time to time.

SEC. 3. It is also required by this act, that said company shall, within eighteen months from the first day of March next, erect a good and substantial bridge across said creek, not to cost less than ten thousand dollars.

SEC. 4. Be it futher enacted, That Ezra Ferris, D. D. Major, and William Tate, be, and the same are hereby appointed commissions to receive the subscriptions and instalments, as provided for in the foregoing sections of this act, and that they are hereby required to pay over the money to the new board of directors, to be elected at the next annual election. And further, should said Phinney fail to take the stock as provided for as above, then the said commissioners shall offer the same at public sale in lots of twenty shares each, to the highest bidder, giving due notice thereof in public prints.

This act to be in force from and after its passage.

CHAPTER LVIII.

An act to amend an act entitled an act to amend the charter and define the powers and duttes of the President and Trustees of the town of Evansville, approved February 8, 1836.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the president and trustees of the town of Evansville shall have and they are hereby invested with full power and competent authority to berrow from any person or persons, body politic or corporate any sum or sums necessary for the improvement of said town not exceeding in all the sum of one hundred thousand dollars, and for the payment of the sum or sums so borrowed and the interest thereon, to pledge the faith of said corporation and its revenues, property and money and to levy and collect the

necessary taxes.

SEC. 2. That the bounds of said corporation shall include the plat of the original plan of said town, as the same is recorded in the recorder's office of Warrick county, and the plat of the donation, the upper and the lower or M'Gary's enlargement of said town as recorded in the recorder's office of Vanderburgh county in the records of deeds for the county last aforesaid; and whenever the owner of any lot or other land lying adjoining said town shall be desirous of having the same included within the corporation, such owner shall so express his, her or their wishes by petition to said president and trustees, and shall be spread on the records of said corporation, and if a majority of all the trustees shall consent thereto and order shall be made to that effect, and from thence said out-lot or other lands shall be embraced within the limits of said corpora. tion, and the owner or owners and occupier thereof subject to the same rules and regulations as if the same were embraced within the limits of said town and all future enlargements of said town when platted, and said plat is recorded, shall also thereby be embraced in and form a part of said corporation and the same together with the persons residing theron shall be subject to the like rules laws, ordinances and regulations as that part embraced within the boundary of said town.

SEC. 3. That the eleventh section of the act to which this is an amend-

ment, be and the same is hereby repealed.

CHAPTER LIX.

An act to amend the charter of the Vevay Seminary.

(APPROVED, FEBRUARY 2, 1837.)

Whereas, James Rouse, Elisha Golay and Daniel Dufour, trustees of the Seminary of Vevay, have petitioned the General Assembly of the state of Indiana, to amend the act incorporating said trustees, in the particulars hereafter set forth and provided for, therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all freeholders and householders of the town of Vevay, Indiana, who may have resided in said town for the space of time of one year next previous to an election for trustees of said Seminary, shall be entitled to vote at elections; all elections for trustees of said Seminary shall take place on the first Monday of June annually, at which all the qualified voters shall be eligible as trustees.

This act shall take effect and be in force from and after its passage.

CHAPTER LX.

An Act to extend the jurisdiction and powers of the President and Trustees of the town of Vernon in the county of Jennings.

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the president and trustees of town of Vernon, shall have power to extend their jurisdictions, for the purpose of removing nuisances, opening obstructions in public highways and improving the same, and for the purpose of suppressing disorderly and indecent conduct over the peninsula formed by the Muscucketuck upon which town is situated, to low water mark upon said river, and to the land of Moses S. Stuyverant on the isthmus or narrows.

SEC. 2. After the taking effect of this act, it shall not be lawful for any person to retail any ardent spirits to be drank in or about his house, store or out-house nor for any non-resident or transient person to retail or sell at auction any foreign merchandise, or exhibit any show for fee or reward within the jurisdiction of said corporation until he shall have obtained license from the corporation aforesaid, and paid such sum to their treasurer as may be prescribed in their by laws or ordinances for such license, not to exceed ten dollars, and if any person shall violate the provisions of this section, the sum prescribed as such license fee shall be recovered by action of debt in the name of the corporation before any justice of the peace of the county with legal costs, and one dollar to the marshal or other officer who shall prosecute such action to effect.

CHAPTER LXI.

An Act to incorporate the Eel River and Michigan Road Bridge company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons that shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name and style of the of "Eel river and Michigan road Bridge Company," and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of suing and being sued, defending and being defended, in law and equity in all courts whatsoever, and shall have authority to ordain and establish such by-laws, rules and regulations, not repugnant to the constitution or the laws of this state or of the United States, as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. That Lismond Basye, Job B. Eldridge, Thos. J. Wilson, Thos. Richardson and L. B. Wilson shall be commissioners to open books, for receiving subscriptions to capital stock of said corporation, and the said books shall be opened on or before the first day of April, A. D. 1837, and each of said commissioners may receive subscriptions.

SEC. 3. The capital stock of said corporation shall be two thousand dollars, divided into shares of ten dollars each.

SEC. 4. Whenever one hundred shares of the stock of said corporation shall be subscribed, the commissioner shall cause an advertisement to be inserted in the newspaper called the "Canal Telegraph" printed in Logansport, giving at least three weeks notice of the time and place of the meeting of the stockholders to choose directors; and at the time and place appointed the stockholders shall choose seven directors being stockholders of said corporation, a quorum of whom shall be competent to transact business. A new election of directors shall be held annually thereafter, on the last Saturday in August or as soon thereafter as a majority of the stockholders can convene for that purpose, at such place as the stockholders at a previous meeting shall designate; the directors thus chosen at any election, shall as soon thereafter as may be, choose out of their number one person to be president who shall appoint a secretary and treasurer.

SEC. 5. The directors may demand from the stockholders respectively, all such sums of money by them subscribed, at such time and in such proportion as they may think proper, and in the penalty of forfeiting their respective shares and all previous payments.

SEC. 6. The said corporation may erect a toll bridge across Est river in the town of Logansport, county of Cass, at a point where sixth street extended will cross said stream; and the corporation shall have and may use the writ of ad quod damnum, and all the benefits arising from the law allowing such writ for the purpose of having condemned the necessary quantity of ground for the erection of the abutments, toll-house and necessary causeway.

SEC. 7. The said bridge shall be built not less that twenty feet wide

and shall be well secure I by a railing on each side not less than four feet high.

SEC. 8. Whenever the said bridge shall be completed, the said corpotion may erect a gate at either end of said bridge and demand and receive a toll, not exceeding the following rates to wit: for every four wheeled pleasure carriage drawn by two horses nineteen cents, if drawn by four horses, twenty-five cents; every two wheeled pleasure carriage, ten cents; every wagon or cart drawn by two horses or oxen twelve and a half cents; if drawn by four horses or oxen, twenty-five cents; each sled or sleigh drawn by two horses or oxen, nine cents; every one horse cart, wagon, sleigh or cutter, eight cents; every man and horse, six cents; every foot passenger, three cents; every horse, jack, mule or head of neat cattle, two cents; every sheep or hog, one cent; but all persons going to and returning from places of religious worship, going to and returning from funerals, going to and returning from the annual elections going to and returning from training, when doing duty in militia, shall be exempt from paying toll.

SEC. 9. If any person or persons shall wilfully impair or injure said bridge, he, she or they so offending, shall forfeit and pay to the corporation, the sum of ten dollars o be recovered with the costs of suit, and shall also be liable to pay the corporation treble the amount of damages sustained with costs of suit, to be recovered in an action of trespass in any

court of competent jurisdiction.

SEC. 10. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to said corporation, eight times the amount of the legal toll, to be recovered by an action of debt before a

justice of the peace.

SEC. 11. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate or shall receive or demand more than the legal toll, he shall for every such offence, on conviction forfeit the sum of five dollars, to be recovered before a justice of the peace, to the use of the person so unreasonably hindered, delayed or defrauded.

SEC. 12. If said bridge shall not be constructed within four years from the passage of this act, then and in that case, this act shall be null and

void, otherwise to remain in full force and virtue.

SEC. 13. In case the corporation shall deem the present amount of capital insufficient for the purpose herein named, the said corporation is hereby authorized to extend the capital stock of said corporation to any amount not exceeding ten thousand dollars.

SEC. 14. Nothing in this act shall be so construed as to prevent hereafter the erection of one or more bridges at the said town across said river

should public necessity require it.

This act to take effect be in force from and after its passage.

CHAPTER LXII.

An Act in relation to the Mount Vernon and Princeton Turnpike road.

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board of Internal Improvement be and they are hereby authorized and directed to pay or cause to be paid to Robert Dale Owen, or to his legal representative the sum of one hundred and ninety three dollars, with interest thereon at the rate of six per cent from the 25th day of April 1836, until paid, out of the funds created for the purpose of internal improvement by virtue of the act to provide for a general system of internal improvement, approved January 27, 1836.

This act to be in force from and after its passage.

CHAPTER LXIII.

An act to amend an act entitled "an act to incorporate the Wayne and Union Turnpike road company," approved February 7, 1835, and to incorporate the Richmond and Muncietown Road company.

(APPROVED FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all moneys which are or may be paid on stock subscribed to the Wayne and Union turnpike company by citizens living north of the town of Centreville, shall be expended on that part of the road which lies north of said town, beginning at Centreville simultaneously with the com-

mencement of the other part of said turnpike.

SEC. 2. That Cornelius Ratcliff, Samuel Johnson, T. T. Butler and Reuben W. Worth of Wayne county, David Macy and John Hodson of Henry county, William Jay and Daniel North of Randolph county and Jesse Delany and John Reese of Delaware county, and their successors in office are hereby appointed a body politic and corporate and by the name and style of the president and directors of the Richmond and Munceytown turnpike company, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, in any and all courts of justice whatever, to make and use a common seal, and shall be able to make contracts and enforce the same and to make and enforce the necessary by laws, rules and regulations to enable them to carry into effect the provisions of this act.

SEC. 3. The capital stock of said company shall consist of two hundred thousand dollars divided into shares of twenty-five dollars each, and the corporation shall have power to increase the capital stock if necessary to any sum which may be required to complete said turnpike.

SEC. 4. The said corporation shall meet at the town of Economy in

Wayne county, on the first day of March next, or as soon thereafter as a majority of its members may agree upon, and shall at such time as they may deem expedient, open books for the subscription of capital stock of said company, and said corporation shall have all the rights, powers and privileges given to the president and directors of the Wayne and Union turnpike company by an act entitled "an act to incorporate the Wayne and Union turnpike company," approved February 7, 1835, for the purpose of constructing a turnpike road from Richmond in Wayne county, via Williamsburgh, Economy, Blountsville to Munceytown in Delaware county, and shall be governed by the same restrictions and provisions contained in the above recited act in all things whatever.

SEC. 5. This act to be in force from and after its passage.

CHAPTER LXIV.

An Act to amend an act entitled "an act to incorporate the Euffalo and Mississippi Rail Road Company," approved February 6, 1835.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the Buffalo and Mississippi rail road company be hereafter known and designated by the name and style of the "Northern Indiana rail road company," under which name and style the said corporation shall hereafter transact all business under and by virtue of the act incorporating the same.

SEC. 2. The subscribers to the capital stock of said company residing in other states, shall be entitled to the like priviliges and immunities of the citizen stockholders of the state of Indiana.

This act to take effect and be in force from and after its passage.

CHAPTER LXV.

An act to incorporate the Wabash and Lafayette Bridge Company.

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders in pursuance of the provisions of this act, shall be, and they are hereby constituted a body politic and corporate by the name and style of the "Lafayette and Wabash bridge company," and by said name and style shall be capable of holding real estate sufficient to carry into effect the purposes of this act, and of suing and being sued, pleading and being impleaded defending and being defen-

ded, both in law and equity, in all cases whatsoever; and shall have full power and authority to ordain and establish all such by laws rules and regulations not repugnant to the constitution and laws of this state or of the United States as shall from time to time be deemed necessary for the interest and good management of said corporation.

SEC. 2. The capital stock of said corporation shall be one hundred

thousand dollars, divided into shares of fifty dollars each.

SEC. 3. That John McCormick, Henry Ensminger, Rodolph S. Fore, John Taylor, Thomas T. Benbridge, William P. Heath, Samuel Hoover and James Earl, be and they are hereby authorized to act as commissioners to open books for receiving subscriptions to the capital stock of said corporation, which books shall be opened on or at any time before the first Monday in August eighteen hundred and thirty seven and each of the said commissioners may receive subscriptions for stock.

Sec. 4. Whenever one hundred shares of the stock of said corporation shall be subscribed the commissioners shall cause an advertisement to be inserted in some public newspaper printed in the town of Lafayette giving at least three weeks notice of the time and place of meeting of the stockholders to choose directors and at the time and place appointed, the stockholders shall choose seven directors being stockholders of said corporation, who shall serve one year and until their successors are chosen and qualified into office; a majority of whom shall be a quorum to transact business. An annual election for directors shall be held at such time and place as the stockholders at their first meeting shall appoint. The directors thus chosen shall as soon thereafter as practicable, choose one of their own body as president, and also appoint a secretary, and such other officers as may be necessary: Provided. That should the stockholders neglect or fail, at any annual election to elect directors, the corporation on that account, shall not be dissolved; but the president and directors for the time being shall continue to exercise the duties of their office until their successors are chosen by the stockholders. And the said commissioners shall superintend the first election of directors to be appointed by the stockholders as aforesaid.

SEC. 5. The directors may demand from the stockholders respectively all such sums of money by them subscribed, at such times and in such proportions as they may think proper, not exceeding twenty five per cent. of the amount of stock every six months by giving thirty days notice in some public paper printed in the town of Lafayette or by giving written notice to the stockholders stating the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay the requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon, from the delinquent; and if the amount cannot be made on execution, or if such delinquent is out of the state, the corporation may declare such stock forfeited to the corporation with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation.

SEC. 6. The said corporation are hereby authorized to creet a bridge

across the Wabash river from some point hereafter to be determined and fixed upon by the director in the old town plot of the town of Lafayette in Tippecanoe county to the opposite bank of the river, and the said corporation shall have and may use the writ of ad quod damnun and all the benefits arising from the law allowing such writ for the purpose of having condemed the necessary quantity of ground for the erection of abutments, toll houses and all necessary causways, birdges and embankments.

SEC. 7. Whenever the said bridge shall be completed, the said corporation may erect a gate at or near either or both of the ends of said bridge and demand and receive a toll not exceeding the following rates to wit: for every four wheeled carriage drawn by two horses or oxen twenty five cents; for each additional horse or ox attached to the carriage six and a fourth cents; every two wheeled plensure carriage twenty five cents; for every wagon or cart, sleigh sled or cutter drawn by one horse eighteen and three fourth cents; for every cart sleigh or sled drawn by two horses or oxen twenty five cents; for each horse or mule six and a fourth cents; for each head of neat cattle three cents; for very sheep or hog one cent; for every foot passenger six and a fourth cents and in analogous proportions of the foregoing rates for any other animals and carriages, but all persons going to or returning from places of religious worship, going to or returning from muster when doing militia duty and all funeral processions shall be exempt from paying toll.

SEC. 8. That if any person or persons shall wilfully impair or injure said bridge, he, she or they so offending, shall forfeit and pay to the corporation treble the amount it may cost to repair the same with costs of suit, to be recovered before any court of competent jurisdiction in action of debt.

SEC. 9. If any person shall pass the gate without having paid the legal toll he shall forfeit and pay to the said corporation eight times the amount of legal toll to be recovered by an action of debt before a justice of the peace.

SEC. 10. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate or shall receive and demand more than the legal toll he shall for every such offence forfeit the sum of five dollars to be recovered with costs before a justice of the peace to the use of the person so unreasonably, delayed, hindered or defrauded.

SEC. 11. The said bridge shall be built not less than twenty five feet wide and shall be well secured by a railing on each side not less than four feet high.

SEC. 12. If said bridge shall not be constructed within ten years from the passage of this act, then and in that case, this act to be null and void, otherwise to remain in full force and virtue for the term of sixty years.

SEC. 13. The navigation of the Wabash river shall be preserved free from obstructions and said bridge shall be built of sufficient height or with a sufficient drawbridge &c. as to admit loaded boats to pass under or through. And the state hereby reserves the right to improve the navigation of the Wabash river in any manner that may most conduce to the interest of the state.

SEC. 14. Certificates of stock shall be given to stockholders, which shall

be evidence of stock held; they shall be signed by the president, and countersigned by the secretary; the stock shall be transferable on the books of the corporation only, personally or by an agent or attorney, duly authorized for that purpose, but such stock shall at all times be holden by and a lien is hereby granted to the corporation for any debts due from the holders thereof to the corporation.

SEC. 15. It shall be the duty of the corporation to cause a full statement of the affairs of the corporation to be made and exhibited to the stockholders, at every annual election or every other general meeting of the stockholders, the president and directors shall fill all vacancies that may happen in their own body, they may sit on their own adjournments, on the call of the president or any three directors, and when the president is absent the directors may appoint a presiding officer pro tem.

SEC. 16. In all elections for directors, each stockholder shall be entitled to vote either in person or by proxy, under such regulations as may be prescribed by the directors according to the following scale to wit: for each share not exceeding five shares, one vote; for every two shares above five and under fifteen, one vote; for every three shares above fifteen and not exceeding thirty, one vote; for every five shares above thirty, one vote.

Sec. 17. Half yearly dividends of so much of the profits, as the corporation may deem expedient, shall be made, on the first Mondays in January and July annually, unless the directors fix on a different day and paid to the several stockholders or their legal representatives as soon thereafter as it can with convenience be done, but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses.

SEC. 18. In case the corporation shall deem the present amount of capital insufficient for the purposes herein named, the said corporation is hereby authorized to extend the capital stock of said corporation to any amount to not exceeding forty thousand dollars.

CHAPTER LXVI.

An act to incorporate certain Turnpike Companies therein named.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the Stats of Indiana, That C. P. J. Arion, John Sering, John M'Intire and David Wilson, of the town of Madison, Edward M'Intire and Elias Conwell, of the town of Napoleon, and their successors in office, appointed or elected as hereinafter directed, be, and the same are hereby created a body corporate and politic, who shall, by the name and style of the Madison and Napoleon Turnpike Company, sue and be sued, plead and be impleaded, defend and be defended, in any courts of law or equity, in this state or elsewhere, and shall have power to construct a clay, M'Aamized or wooden turn-

pike road from Madison to Napoleon, and appoint agents and servants, and to have all the powers and privileges for constructing and using said road, as are given to the company chartered for the construction and using roads in the act entitled an act to incorporate the Vevay and Napoleon and other turnpike companies, approved February 8th, 1836.

SEC. 2. The capital stock of said company shall be two hundred thousand dollars, to be divided into shares of fifty dollars each, and to be increased by said company at their pleasure, to an amount sufficient to

construct said road and bring it into complete operation.

SEC. 3. That Robert Branham, John Simerl, James Burns, Shadrach Wilber and Milton Stapp of the county of Jefferson, William C. Bramwell of the town of Scipio, and their successors in office, appointed or elected as hereinafter directed and provided for, be, and the same are hereby created a body politic and corporate, who shall, by the name and style of the Madison and Scipio turnpike company sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this State or elsewhere, and shall have full power to construct and use a clay, M'Adamized, or other turnpike road, from the town of Madison to the town of Scipio, and to appoint agents and servants, and to have all the powers and privileges in constructing and using, and directing the construction and using of said road, as are given to the companies chartered for the construction and using the roads, in the act entitled an act to incorporate the Vevay and Napoleon and other turnpike companies, approved February 8th, A. D. 1836.

SEC. 4. The capital stock of said company shall be two hundred thousand dollars, to be divided into shares of fifty dollars each, and to be increased at the pleasure of the company to an amount sufficient to construct

said road and bring [it] into complete operation.

SEC. 5. That said companies, in the construction and using said roads, shall have all the powers and privileges, and shall be subject to all the restrictions and limitations, and be governed in all things applicable to their case, by the said act, entitled an act to incorporate the Vevay and Napoleon and other turnpike companies, approved February 6th, 1836: Provided, That said companies may erect one toll gate each, on or near the top of the Ohio river hill, near to the town of Madison, on their respective

SEC. 6. That the persons above named, shall meet at the town of Madison on the fourth Monday of March next, or so soon thereafter as a majority of each set of directors can agree upon, and form themselves into a board for the construction of their respective works, by electing a president in their own body, after which time they may proceed to locate and construct said works as hereinbefore provided.

SEC. 7. The stockholders in said incorporations shall be liable in their individual capacity, for any debts or liabilities which have been incurred by said incorporation: Provided, however, That the corporation property shall be first exhausted, before said individual hability commences.

SEC. 8. This act to take effect and be in force from and after its passage, and shall remain in force for fifty years.

CHAPTER LV.

An Act to incorporate the Indianapolis Female Institute.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That James M. Ray, James Blake, Samuel Merrill, Nicholas McCarty, Henry Bates, Daniel Yandes and Isaac Coe, and their successors in office, are hereby constituted a body politic and corporate, by the name and style of "The Trustees of the Indianapolis Female Institute," and by the said corporate name, may sue and be sued, plead and be impleaded, in any court of legal proceedings in this State; and by that name have perpetual succession, and they shall in law, and by the said name, be capable, of purchasing, holding, bargaining, selling any property, either real or personal, for the use of said institute, whether by legal or equitable title. They shall further be empowered to receive all and singular, any subscriptions, gifts, grants, donations and bequests, which shall be solely appropriated to the use and benefit of said institute in such manner as said trustees shall deem most profitable and expedient.

SEC. 3. The said trustees shall meet in the town of Inpianapolis, at such time and place as a majority of them shall agree upon and elect of their own body, a president, a secretary and a treasurer, to continue in office during the pleasure of said trustees, who shall have power at any time to remove them, or either of them from office, and fill the vacancy.

SEC. 3. The board of trustees shall have full power, from time to time. to make such by-laws ordinances and regulations, not inconsistent with the constitution and laws of this State or of the United States, as they may deem advisable for the good government of said institute, pupils and teachers thereof, and the same to put in execution, revoke, repeal, alter, amend or make anew, as to them may seem proper.

SEC. 4. The places of any of the trustees who shall die, resign or remove, or refuse to act, may be supplied by appointment made by the

board of trustees.

SEC. 5. The trustees shall cause a record of their proceedings to be kept in a book to be provided for that purpose, which record shall be

open for inspection of all persons concerned.

SEC. 6. The subscribers to the said institute, are hereby authorized and empowered to assemble themselves annually, at such time and place in the said town of Indianapolis, as the trustees for the time being may appoint; and when so assembled, to elect trustees to serve for one year, and until their places shall be supplied by others duly elected.

Sec. 7. That should no annual meeting of the subscribers be had, the officers then acting, shall continue their functions until the next annual

SEC. 8. The interest in shares in the said institute, shall be transferable, under such rules and regulations as may be prescribed by the board

This act to be in force from and after its passage.

CHAPTER XL.

An act to incorporate the Crawford county Blue River Bridge Company.

APPROVED, FEBRUARY 4, 1837.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act shall be and they are hereby constituted, a body corporate, by the name and style of the Crawford county Blue River bridge company and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of suing and being sued, defend and being defended in law and equity in all courts whatsoever and shall have authority to ordain and establish such by laws, rules and regulations not repugnant to the constitution or laws of this state or the United States, as as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. That Joseph Sibert, J. N Phelps, James Leslie, David Cull, David Dodson, James B. Davidson, John L. Smith and William R. Reynolds shall be commissioners to open books at the town of Leavenworth in the county of Crawford for receiving subscriptions to the capital stock of said corporation and the said books shall be opened on the first Monday in any month within a year after the passage of this act, by giving public notice twenty days previous thereto in the nearest newspaper

printed thereto.

SEC. 3. The capital stock of said corporation shall be five thousand

dollars divided into shares of twenty five dollars each.

SEC. 4. Whenever seventy five shares of stock of said company shall be subscribed the commissioners shall cause an advertisement to be inserted in the nearest newspaper printed thereto, giving at least three weeks notice of the time and place of the meeting of the subscribers, to choose directors and at the same time and place appointed the stockholders shall choose seven directors being stockholders of the said corporation, a quorum of whom shall be competent to transact business, a new election of Directors shall be held annually at suchtime and place as the stockholders at their first meeting shall appoint, the directors chosen at any election shall as soon thereafter as may be convenient choose out of their number one personto be president, who shall appoint a secretary and treasurer.

SEC. 5. The directors may demand from the stochholders respectively all such sums of money by them subscribed at such times and in such proportions as they may think proper, and after twenty day's notice thereof having been given if not paid such share or shares shall be forfeited for

the benefit of the said corporation and all payments thereon.

SEC. 6. The said corporation may erect a toll bridge at the crossing of Blue river at or near Coles Ferry (the said Blue river being the line between the counties of Crawford and Harrison) said bridge shall be built so as not to obstruct the present ford of said Ferry or the navigation of said river at present or to be improved hereafter on the part of the state if it should be deemed necessary.

SEC. 7. Whenever said bridge shall be completed the said corporation may crect a gate at either end of said bridge and demand and receive a toll not exceeding the following rates to wit: every four wheeled pleasure carriage drawn by two horses twenty five cents; if drawn by four horses thirty seven and a half cents every two wheeled carriage twelve and a half cents, every waggon and cart drawn by two horses or oxen, eighteen and three fourth cents, if drawn by four horses or oxen twenty five cents each sled or sleigh and two horses or oxen twelve and a half cents, every one horse cart, wagon sleigh or cutter and every man and horse six and a quarter cents, all foot passengers free, every horse, jack or mule, or head of neat cattle, two cents, every sheep or hog one cent. But all persons going to or returning from places of religious worship, going to or returning from a grist mill with a grist, going to or returning, when doing duty in the militia.

SEC. 8. If any person or persons shall willfully impair or injure said bridge he she or they so offending shall forfeit and pay to the corporation treble the amount it may cost to repair the same with costs of suit to be recovered on conviction thereof before any court of competent jurisdic-

tion.

SEC. 9. If any person shall forcibly pass the gate without having paid the toll, or shall impose him, her, or themselves upon the said corporation as free passenger, or passengers under this act, shall forfeit and pay to the said corporation the sum of five dollars to be recovered by an action of debt before a justice of the peace with costs of suit.

SEC. 10. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate or shall receive or demand more than the legal toll he shall for every such offence forfeit and pay the sum of five dollars to be recovered with costs of suit before a justice of the peace, to the use

of the person so unreasonaby delayed hindered or defrauded.

SEC 11. If the said bridge shall not be constructed in five years from the passage of this act, then and in that case this act shall be null and void, otherwise to remain in full force and virtue for forty years.

SEC. 12. In all elections for directors each stockholder shall be entitled to vote either in person or by proxy under such regulations as may be prescribed by the stockholders, according to the following scale to wit; for each share not exceeding five shares one vote, for every two shares above five and under fifteen one vote for every three shares above fifteen and notexceeding thirty, one vote, for every five above thirty, one vote.

Sec. 13. Half yearly dividend of so much of the profits as the corporation may deem expedient shall be made on the first Mondays in January and July annually unless the directors fix on a different day and paid to the several stockholders as soon thereafter as it can with convenience be done. But no dividend shall be made to a greater amount than the nett profits after deducting all expenses.

Sec. 14. In case the corporation shall deem the present amount of capital insufficient for the purposes herein named the said corporation is hereby authorised to extend the capital stock to four thousand dollars.

CHAPTER LXIX.

An Act to incorporate a Company to build a Bridge ever White River at Nobles-ville.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph Nicholas, John D. Stephenson, Jacob Robins, Jacob Mahan, Nathaniel Hall, Samuel Monroe and Miner Mallery, be, and they are hereby constituted a body corporate and politic, by the name and style of the Noblesville Bridge Company, for the purpose of constructing a bridge across White river at Noblesville, at such place as the said corporation may deem most conducive to the public good, within the bounds of said town; and they and their successors shall continue in office and have perpetual succession for the term of thirty years from the time of the passage of this act, and by that name may sue and be sued, plead and be impleaded, and hereby are made capable in law, to contract, and be contracted with, as a natural person, in the state or elsewhere, and shall be so recognized, in courts of law or equity; and to have and use a common seal, and to change and alter the same at pleasure. They shall also, in their corporate capacity, and for the use of said corporation, have power to purchase and hold a sufficiency of real estate for the full enjoyment of all the privileges herein, and hereby granted; and also the power to ordain and establish such by-laws, ordinances and regulations as shall be deemed necessary for the furtherance of the object of this corporation, and not inconsistent with the laws and constitution of this state.

SEC. 2. The capital stock of said corporation shall consist of five thousand dollars; to consist of shares of fifty dollars each, to be subscribed for or sold in the manner herein and hereafter mentioned: Provided, The amount above stated should be found insufficient to complete the said bridge, the said corporation are authorised to increase the capital stock

to a sum which shall be sufficient to complete said bridge.

SEC. 3. That at any time after the passage of this act, the before named persons shall meet at the town of Noblesville, or a majority of them, and elect a president out of their body, and a secretary, who may, or may not be one of their body, whose duty it shall be to record all the orders and proceedings of said board, and make such arrangement for the subscription of stock as the board may direct; which books shall be opened at such times and places, and under such regulations for the payment of stock as the said corporation may deem for the best interest of all concerned.

SEC. 4. That when the whole number of shares hereby authorised have been subscribed, it shall be the duty of the secretary of said board, or of the president, in case of the absence of said secretary, to give notice in a public newspaper, published in the county of Hamilton, if there be one, and in case there should be none printed in said county, then by

written advertisements in three of the most public places in said county. of the time and place for the meeting of said stockholders in said corporation, for the purpose of electing seven directors of said company, who shall be elected out of the stockholders, and by the stockholders, and shall be called "the Board of Directors of the Noblesville Bridge Company," and said election shall be conducted in the manner prescribed by the persons herein first named; and each stockholder shall have one vote for each share of stock he may hold in said corporation; which may be given either in person or by proxy, and that when the seven directors shall have been chosen, they shall proceed to elect, by ballot, a president from their number, and in the same manner to elect a secretary, who may be a stockholder; but not one of the directors, whose duty it shall be to record the proceedings of the board; and the directors, so elected, shall continue in office one year from the time of their election, and a majority of them shall constitute a board competent to transact the business of said corporation, and shall have full power to establish rules and by-laws, for said company, and to establish such rules for the government of themselves in their corporate capacity as they may think proper.

SEC. 5. That when the said board of directors shall be organized, the concerns of said corporation shall be under their control and direction, and the president and any three of said directors shall form a quorum competent to do business, or in case of the absence of the president any four of the directors, one of whom shall act as president pro tempore: and the president and directors, after they shall have been organized as aforesaid shall make such requisitions upon the stockholders with regard to the payment of their stock, as they may deem necessary; and provide such forfeitures, not exceeding the stock paid in for the non payment of stock or instalments thereon as they think condusive to the interest of said corporation: or may maintain on action of debt in the name of the directors of the Noblesville bridge company, without using the individual names of the directors, for any balance or instalment, of stock that may be in arrears under the orders, rules, and regulations of said board; and may sell any forfeited shares of said stock upon such terms as they may deem most for the advantage of the said corporation, and shall moreover have power and authority to appoint such other officers and provide such rules for the government as they may think necessary.

SEC. 6. That if any vacancy occur in said board of directors, it shall be filled by the residue of said board at their next meeting after such va-

cancy occurs.

SEC. 7. That when said bridge is completed at least twenty four feet in width, with good and substantial railing on each side, the president and directors shall have a right to fix rates of toll for collecting the same from all persons passing thereon, with their goods, carriages or animals of every kind and description: Provided, That the rates of toll shall not exceed the following: for each four wheeled carriage drawn by two horses, oxen or any other animals, twenty five cents; and each additional horse, ox or any animals used for draught, attached to such carriage, or carriages, six and a fourth cents; for one horse attached to a four or two wheeled carriage, and driver eighteen and three fourth cents; for man and horse,

twelve and a half cents; for foot passengers six and a fourth cents; for each head of neat cattle, or horses, three cents; for each head of hogs or sheep, one cent; and the directors shall from time to time reduce the rates of toll so that the neat profits of said company shall not exceed twenty five per centum, per annum, after the proper directions shall be made for repairs, insurances, and other necessary incidental expenses. Toll gates shall be kept up at one end of the bridge, and the rates of toll shall be posted up at some conspicuous place on said bridge, in fair and plain writing: Provided, also, That nothing in this act shall be so construed to authorize the obstruction of the navigation of said White river. And the state reserves to herself the right to improve the navigation of said river in any way she may think proper.

SEC. 8. That all United States troops, with all military stores for the use of the army of the United States and all persons going to or returning from any place of religious worship, and all persons going to or from any place of military muster, when doing duty in the militia of this state, shall

be exempt from the payment of toll.

SEC. 9. That if any person or persons shall wilfully or knowingly do any act or thing whatever whereby the said bridge or any thing thereunto belonging shall be injured or damaged, the said person or persons so offending shall pay three times the amount of the damages sustained with costs of suit recoverable before any court of competent jurisdiction; and moreover liable to an indictment under the statue for malicious mischief.

SEC. 10. That if any person or persons shall pass or attempt to pass said bridge without paying the toll or tendering it, if there be any authorized persons to receive it, shall forfert and pay three times the amount of toll, or tolls, which he, she or they were liable to pay for passing said

bridge, recoverable before any justice of the peace in this state.

SEC. 11. That if any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or refuse to let any passenger to pass, or shall receive or demand more than the legal toll; he shall for every such offence forfeit the sum of three dollars for the benefit of the poor of Hamilton county to be collected with the costs of suit before any competent tribune.

SEC. 12. That each stockholder shall be entitled to such proportions of the dividends made by said company, as the amount of his stock bears to the whole amount paid in, which sum shall be paid to him at the office of the company, at any time when demanded, after ten days from the time of making such dividend.

SEC. 13. That all dividends of the nett proceeds of said company shall be made quarter-yearly, on the third mondays of February, May, August

and November.

Sec. 14. That no other person or persons, shall be authorized, after said bridge shall be finished and completed for passengers, and so long as said bridge shall be kept in good repair, during the continuance of this charter, to establish any ferry, or bridge across White river within one mile of said bridge.

SEC. 15. It shall be lawful for the board doing county business, to authorize the clerk to subscribe stock to said corporation for the benefit of said county of Hamilton and in its behalf, not to exceed however, forty

shares, and upon such subscription, the order for which shall be entered on their order book, they shall authorize some person to represent said stock so subscribed, in all elections, which stock shall be subject to the same rules and regulations, and entitled to all the privileges of individual stock. That portions of the profits realized upon said county stock shall be paid over to the county treasurer, and subject to the order of the county board as other county funds are.

SEC. 16. Nothing in this act shall be so construed as to prevent the establishment of a ferry at any place within one mile of said bridge, during the time that said bridge may be destroyed or unsafe for passage.

This act to take effect and be in force from and after its passage, and shall be considered and construed as a public act for all beneficial purposes.

CHAPTER LII.

An act to incorporate the Indianapolis Master Carpenters' and Joiners' Association.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joshua Black, George Anderson, Seth Bardwell, Andrew Brown, and Jacob Harnish of Indianapolis, and their successors in effice, duly elected as hereinafter provided for, are hereby constituted and appointed a body corporate, and politic, and by the name and style of "The President and Directors of the Indianapolis Master Carpenters' and Joiners' Association," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in all courts of justice whatever, and be able and capable in law to make contracts, and enforce the same; and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the objects of this association, as contemplated by the provisions of this act, not inconsistent with the laws and constitution of this State, or the United States.

SEC. 2. The capital stock of said corporation shall be twenty thousand dollars, to be divided into shares of fifty dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their number, president; and after such organization, any three of the board may form a quorum to do business.

SEC. 4. The corporation shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations they may adopt; which journal shall be read from time to time by the board, and if found to be correct, shall be signed by the president. They may sit

on their own adjournments, or on the call of their president; when the president is absent, they may appoint a president pro. tem. They shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened in the town of Indianapolis, for subscriptions to the capital stock, due notice of which shall be given, in each of which books the following entry shall be made:

We, the undersigners, promise to pay the sum of fifty dollars, for each share of stock annexed to our names, in such manner, and in such proportions, and at such times as the president and directors of the Indianapolis Master Carpenters' and Jomers' Association may direct.

SEC. 6. The corporation may require such sum to be paid in on each share at the time of subscribing, not exceeding one dollar on each as they may deem proper; but such requisition shall be inserted in the notice for opening the books, and any future payments on the stock shall be under the control of the corporation, as well as the requisitions in each share.

SEC. 7. As soon as fifty shares are subscribed for, and one dollar paid in on each share, it shall be the duty of the corporation to give three weeks notice thereof in one or more of the newspapers published at Indianapolis; and in such notice appoint a time and place for the stockholders to meet and elect seven directors, who shall be stockholders, which election shall be held in three months after the time of paying the first instalment, and shall be conducted by two judges, appointed by the stockholders present; and no share shall confer a right to vote at any election, unless the same shall have been subscribed one month previous to such election. In all elections, each share, the instalment on which shall have been paid when required, shall entitle the holder to one vote.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent election, to meet as soon thereafter as they conveniently can, and appoint one of their own body president of the board; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are chosen and qualified.

SEC. 9. All elections after the first, shall be held the first Monday in May, annually, under the direction of the stockholders, or as soon thereafter as may be convenient. Of such election due notice shall be given.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of stock held. It shall be signed by the president and countersigned by the secretary, which shall be transferable on the books of the corporation, at the pleasure of the holders thereof.

SEC. 11. It shall be lawful for said association to hold so much real estate as may be necessary for the erection of work-shops, offices, and for the purpose of securing models and a library for the use of the association: Provided, The same does not amount in value to more than the capital stock first named in this act.

SEC. 13. The corporation shall not be authorized to deal in the purchase and sale of notes or bills of exchange, issue bills of credit, or engage in the business of banking; nor engage in any kind of trade other than what may be necessary to carry into effect the objects of their association.

SEC. 13. Each of the stockholders of said corporation, shall be liable out of their own proper goods and chattels, for all the debts of the same, which may have accrued while they were holders of stock therein. And said corporation shall in no case whatever, have power to combine together to control, or in any other manner interfere with the prices of work in said town of Indianapolis or elsewhere: Provided, That no stockholder shall be liable as aforesaid, until the property of said incorporation is exhausted.

SEC. 14. The corporation hereby created, shall continue in force seventy five years and no longer.

This act to be in force from and after its passage.

CHAPTER XLV.

An Act to incorporate the Porter county Seminary.

(APPROVED FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Blair, Peter Cline, William Billings, Seneca Ball, Cornelius Blatchley, Wilson Malone, John Sayler, Isaac Morgan, William Frakes, George Cline, George Saylor and John Bishop together with their successors, be and they are hereby created and constituted a body corporate and politic, by the name and style of the "President and Trustees of the Porter county Seminary" and by such name shall have perpetual succession, and shall be capable of holding, receiving and transferring any estate, real or personal by gift, bequest or devise, of suing and being sued, pleading and being impleaded, in all courts of judicature.

SEC. 2. Said trustees shall meet at the town of Valparaiso in the county of Porter, on the first Monday in July next, or some day thereafter that a majority of them may agree upon, and elect from their own body a president, secretary and treasurer, to continue in office during the pleasure of the trustees; and it shall be the duty of the treasurer thus elected, before he enters upon the duties of his office, to execute a bond payable to the state of Indiana, in the penal sum of one thousand dollars, conditioned for the faithful performance of his trust and for the payment to the order of the trustees of all moneys that may come into his hands as such treasurer; and shall also take an oath before some justice of the peace for the faithful discharge of the duties of his office.

SEC. 3. The trustees shall keep a record of all their proceedings in a

book to be kept for that purpose, which shall be signed by the president and attested by their secretary; and no money shall be paid but on the order of the trustees entered by record, a certificate of which signed by the secretary, shall be sufficient authority, for the treasurer to pay the amount expressed in any such order, to the person named therein or to his assignee.

SEC. 4. A majority of said trustees shall constitute a quorum for the transaction of business that may come before them, they shall have power to make all necessary and constitutional by laws, rules and regulations not incompatible with the constitution of the United States, this state nor laws of this state, for the government of said seminary and the discipline and instruction of the students, as to them may seem expedient.

SEC. 5. The trustees aforesaid shall have authority to demand and receive of the trustees of the seminary fund of the county of Porter, all moneys property or choses in action belonging to said seminary fund in the county aforesaid and the same to dispose of for the advancement of the interest of the seminary, and also to demand and receive of the treasurer of state the proportion of all moneys paid into the treasury by persons conscientiously scrupulous of bearing arms to which the county of Porter is entitled, and the receipt of such trustees shall be a sufficient voucher to the treasurer of state for the payment of the same.

SEC. 6. That said trustees so soon as they shall become organized, if they should think it expedient, shall proceed to select a site and let to contract the building of a brick or other edifice such as will be most most likely to comport with the general wish of the people of Porter county as aforesaid.

SEC. 7. That whenever the building shall be commenced, it shall be the duty of all officers collecting money for the use and benefit of said fund, to pay the same over to the treasurer of said board, whose receipt shall be sufficient vouchers for the same, and on failure of such officers to make payment of the sum collected by them according to law, the claims may be put in suit. The treasurer of said board shall keep an accurate account of his receipts and disbursements in a book to be kept for that purpose, and shall receive such allowance for his services as the trustrees may deem just and right.

SEC. 8. Whenever a vacancy shall happen by death, resignation, removal or otherwise in the said board of trustees, it shall be the duty of the board doing county business in the county of Porter, to appoint a suitable person or persons as the case may be, to fill such vacancy.

SEC. 9. It shall be the duty of the trustees aforesaid, to make a detailed report of the disbursements of such funds as may come into their hands annually to the board doing county business for said county, which report shall be recorded in their records, and all bonds taken in pursuance of this act, shall be prosecuted for the benefit of the county seminary of Porter county.

SEC. 10. That whenever the seminary fund shall have accumulated sufficiently for the purpose, after erecting suitable buildings and furnishing the same, the said trustees may if they think it necessary, appropriate such fund to the payment of teachers and necessary assistants, so as to

reduce the price of tuition or if practicable make the same a free school.

This act to take effect and be in force from and after its passage.

CHAPTER LXXII.

An act to incorporate the Evansville Trust Company,

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That there be and is heraby created and established in the town of Evansville a trust company the capital stock of which shall be subscribed and paid for by individuals, companies or corporations in the manner herein after specified, which stockholders and subscribers and their successors shall be and they are hereby created a body politic and corporate, with perpetual succession for the period of fifty years from and after the passage of this act by the name and style of the Evansville trust company, and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and concerning all matters whatsoever, and may have and use a common seal, and alter, change, break and, renew the same at pleasure, and may receive and make all manner of deeds, covenants conveyances, grants and transfers whatsoever and generally do any and every act and things necessary to carry into effect the provisions of this act, and to promote the object and design of their incorporation.

SEC. 2. That the real and personal estate, business, property funds and prudential concerns of said company, and the administration of its affairs, shall be under the management, direction and control of a board of nine directors who shall be stockholders, and citizens of the state of Indiana, and after the first election, they shall be elected by the stockholders on the second Monday in September annually, at such time of day, and at such place in the town of Evansville, as the directors for the time being may direct, and directors so elected shall hold their offices for one year and until their successors shall be chosen and qualified, and notice of the time and place of holding such election shall be given and published three weeks next preceeding such election, in a newspaper printed in the town of Evansville, if any such newspaper there be, and if there be no such newspaper printed in said town of Evansville, then by three manuscript notices, set up in three of the most public places in said town, and one other such notice set up in some conspicuous place in the public office of said company.

SEC. 3. That election for directors shall be by ballot, and a plurality of votes received and counted in public by and under the inspection of three stockholders not directors at the time, acting as inspectors of such election shall elect.

SEC. 4. The number of votes to which stockholders shall be entitled shall be in the proportion following that is to say, for each and every share not exceeding four shares, one vote, for every two shares above four shares, and not exceeding thirty shares one vote, for every four shares, above thirty shares and not exceeding ninety shares one vote, for every six shares above ninety shares and not exceeding one hundred and fifty shares one vote, and for every ten shares above one hundred and fifty shares one vote, but no person, company, co-partnership or corporation shall be ever entitled to a greater number than one hundred votes, and after the first election no stockholder shall give any vote or votes for any stock which shall not have been held by such stockholder for three calender months next proceeding such election.

Sec. 5. That in all elections, votes may be given either in person or by proxy, but no person shall vote as proxy more than one hundred votes, and no individual who at the time an election is held is a resident of Vanderburgh county, shall vote at such election by proxy unless such individual be a female or a minor, or in case of unavoidable absence.

SEC. 6. No president or secretary of said company shall be premitted to vote at any election for directors, as the agent, attorney or proxy of any stockholder.

SEC. 7. That in case it shall happen that any cause or causes whatsoever that an election of directors shall not be made on any day when by this act it aught to be made, it shall and may be lawful for the stockholders to make an election for directors on any other day in such manner as may be provided for by the by laws of said company, and on failure to elect or appoint any director or directors nor any irregularity in making any election, shall be taken on demand as a forfeiture of this charter or a disposition of the said company.

SEC. 8. That the directors at their first meeting after such election shall choose one of their own number for president, who shall preside at the meetings of the directors, and perform such other duties as may be prescribed by the by laws of said company, and in case of the resignation, death, or absence they shall choose a president protempore.

SEC. 9. That no directors except the president shall be entitled to, or receive any compensation for his services as such unless by a vote of the stockholders.

SEC. 10. That no person who shall be in arrears to said company, shall be elected by the stockholders or appointed by the directors, a director; nor unless he be the owner of at least five shares of stock in his own right, and not in trust for another. But in case it shall so happen at any time, that there are not enough stockholders owning five shares in their own right who will serve as directors, to form the directory, the directors may be elected from among those having the highest number of shares.

SEC. 11. If during his term of office any director shall become in arrears to said company, or fail in business, remove from the state of Indiana, or cease to own the requisite number of shares of stock or otherwise become disqualified, it shall be the duty of the board of directors forthwith to vacate his seat, and appoint another director in his place.

SEC. 12. That the directors and other officers, and agents of the compa-

ny shall severally before extering on the duties of their offices, take au oath well and faithfully to discharge their respective duties according to the best of their ability.

SEC. 13. That the board of directors shall have power to fill any vacancies which may occur in their own body; to appoint a secretary and such other officers, agents and servants of said company within and without the state of Indiana as such board shall think proper; to make all by laws, rules, and regulations for the government of said company, their own government, the government of their other officers, agents and servants of said company, and for the management and conduct of all manner of business of the said company.

SEC. 14. That the said board of directors shall have power to require of, and from all officers, agents and servants of said company, security for the performance by such servants, agents and officers of their duties.

SEC. 15. The directors of said company shall keep a book or books, on which shall be entered and faithfully recorded a journal of all their proceedings, which book shall be open to the inspection of all the stockholders at regular meetings of the stockholders, and shall also be open to the inspection of any of those stockholders holding in their own right twenty shares of stock on application made by them to the president of the board of directors, or the secretary.

SEC. 16. All elections by the board of directors shall be viva vose and recorded; and any questions pending before the board of directors the ayes and naes; shall be recorded on the requisition of any member of the board, who may be present when a vote shall be taken on such question; and no vote shall be rescinded by a less number of directors than were present at the time such vote was taken.

SEC. 17. That in the management of the business, the board of directors shall observe the following rules:

1st. That said company shall not loan money on the security of its own stock.

2nd. That no person shall be accommodated with a loan while in ar rear for stock, for interest, or for loans had either on his own account, or as security for others, and when due unless the sums so due be returned, and first paid out of such loan.

3d. That no loans made upon real security shall ever exceed the one half of the value of the security given at the time the loan is made, and a substitution of one security for another, shall be regarded as a new loan.

4th. That no director shall be accommodated with any loan upon any other than the usual terms.

5th. The board of directors shall semi-annually in the first week of January and July declare and make such dividends of profits resulting from the business of said company, as shall not impair or in anywise lessen the the capital stock of the same, but no dividend shall be paid on any stock that has not been fully paid for, and shall be passed to the credit of such stock, as part payment thereof; twelve and a half cents of the dividend on each share of stock shall be set apart as a library fund for the stockholders of said company, and said fund shall be accumulated at the rate of five per centum per annum until the same shall amount to the sum of ten

thousand dollars and then the said twelve and a half cents on the dividends on stock, and five per centum of the profits of said fund, shall be expended annually in purchasing a library for said company, and the residue of the profits of said fund shall be added to the common stock of profits on the business of said company, and constitute a part of the dividends of the stockholders; said library shall be under the control of the directors, and upon the forfeiture of this charter, or dissolution of said company, said library shall go to, and be the profits of the county of Vanderburgh.

6th. That every loan of the capital stock of said company, any part thereof, shall be secured by pledge of real estate, which real estate shall, at the time of its being pledged, be at least double the value of the loan which it is pledged to secure; and every change of the security of such loans shall be regarded as a new loan of such capital stock.

7th. The president, secretary and directors shall not be permitted to endorse for each other, nor shall any director vote on any question in which he is interested.

8th. On all applications for loans of five hundred dollars or upwards, there shall be five concurring votes out of seven, and so in proportion if any greater number is present, and if such application is granted, the ayes and noes shall be entered on the journal of the proceedings of the board of directors.

9th. No corporation of any description shall be permitted to be indebted to said company, in a greater sum than five thousand dollars, at any one time, for moneys loaned, unless by the unanimous voice of all the board of directors.

10th. It shall be the duty of the board of directors, at least once in every three months, to cause a strict examination of the accounts of the secretary, and a full and complete settlement thereof to be made, and to cause a full statement thereof to be entered on the journals of the proceedings of said board.

11th. No person shall be entitled to receive any dividend of profits on stock owned while indebted to said company for any debts or demands then due, and payable, but the same shall be placed to his credit, until such debt or demand is paid.

12th. Five directors shall be necessary to constitute a board for the transaction of business.

Sec. 18. That every servant, agent, clerk, or officer of said company, who shall wilfully and knowingly subscribe or make false statements or false entries in the books of said company; or shall wilfully and knowingly subscribe or exhibit false papers, with the intent to deceive any person authorised to examine or inquire as to the condition of said company, or shall wilfully and knowingly subscribe or make false reports of the condition, business affairs, contracts, agreements, conduct or management of the said company, to any person authorised to require such reports, shall be taken and deemed to be guilty of felony, and shall, upon conviction thereof, be imprisoned in the state's prison, at hard labor, for such a term of years, as the jury trying the case may think proper, not exceeding fourteen. Any commissioner of examiner wilfully and knowingly sub-

scribing, or making any false report, shall be deemed and taken to be guilty of felony, and suffer the like penalty.

SEC. 19. That any officer, agent, clerk or servant of the said company, who shall embezzle or appropriate the property or funds of said company, with the intent to cheat or defraud the said company, or any creditor thereof, shall be taken and deemed to be guilty of felony, and suffer the penalty prescribed in the eighteenth section of this act.

SEC. 20. That it shall not be lawful for said company, at any time to use or employ any part of its capital stock or other funds, in the buying or selling of goods, wares or merchandize.

SEC. 21. No sale or forfeiture for taxes unpaid, of or upon any real estate pleged to said company to secure the payment of any debt due, or demand, shall, until the lapse of five years from such sale operate to prevent said company from redeeming the same on payment of such taxes, and damages, and interest thereon, as are required in other cases of lands sold or forfeited for or on account of unpaid taxes, if at any time after such sale or forfeiture, such real estate shall become the property of the said company for the payment of any such debt, dues or demands.

SEC. 22. That the said company shall keep an office in the town of Evansville, and the directors thereof shall meet and hold their sessions at least once in six months, and a general meeting of the stockholders of said company shall be held on the second Monday of September, after the organization of said company, and annually thereater, on the second Monday in September; and any three or more members holding in their own right one hundred shares of stock, may call at any time a general meeting of the stockholders of said company, by giving three weeks notice of the time of holding such general meeting, by notice signed by the stockholders, and published three weeks successively, next before the time of holding such meeting, in some public newspaper, printed in the town of Evansyille, if any such paper there be; and if there be no such paper, then by like publication in the newspaper of general circulation, published nearest to the town of Evansville; and all general meetings of the stockholders shall be held at the office of said company in the said town of Evansville, but no failure to hold any general meeting of the stockholders should be a forfeiture of this charter, or dissolution of the said company.

Sec. 23. That the capital stock of said company shall not exceed the sum of two hundred thousand dollars, in charces of fifty dollars each, and shall be assignable and transferable on the books of said company, or otherwise according to such rules, regulations and by-laws, and under such restrictions and limitations as may be established by the directors: and such stock shall be taken and deemed as personal property, and the officer selling the same by virtue of an execution, shall transfer the same to the purchaser upon the books of the said company; but the said company shall have a lien upon the stock of the stockholders for debts and liabilities due or entered into, to and with said company, and no stock shall be sold or transfered, either by a stockholder or an officer, by virtue of an execution, without the consent of the directors, until all debts, dues, demands and liabilities arising out of the contracts due and owned or enter-

ed into, or incurred, and to become due, owing or payable to said company from the stockholder or stockholders, when stock is sought to be sold or transformed and fellow it is a late of the stock in the stock is sought to be sold or

transferred and fully paid and satisfied. SEC. 24. That the said company shall have full power and competent authority to acquire, hold, possess and enjoy, sell, convey and dispose of any personal estate; and also such real estate as shall be necessary for the convenient transaction of its business, or which may be conveyed to said company in payment of, or security for, any debt, demand or liabiliy to, or in favor of said company, or which may be conveyed to said company in satisfaction of, or in conformity with any judgments, decrees or executions in favor of said company, which may be purchased by said company upon or at any sale by virtue of, or in pursuance of, or upon any order, decree, judgment, execution or mortgage in favor of said company; or which may be conveyed to the said company as a trustee, or to or for the use of, or trust for any person or persons, body or bodies politic and corporate, or in trust for, or upon any lawful trust whatever. But it shall not be lawful for said company in any other case whatsoever, except as the agent or attorney in fact of some person or persons, body or bodies, politic or corporate, to buy, sell or convey any real estate whatsoever; and the said company shall annually expose to sale at public auction and out-cry, all real estate which may be conveyed to said company in payment of any debt, demand or liability to or in favor of said company, or which may be conveyed to said company in satisfaction of any judgment, decree or execution in favor of said company, or which may be purchased by said company, upon or at any sale, by virtue of, in pursuance of, or upon any order, decree, judgment, execution or mortgage in favor of said company, giving at least twenty days notice of the time and place of such sale, by publication of a notice in some public newspaper printed in the county where such real estate may lie, if any such paper there be, and if there be no such newspaper, then, by three manuscript notices set up in three public places in the county seat of the county where such real estate may lie, and such notice shall contain a description of such real estate, and the name of the person or persons, body or bodies, politic and corporate, from whom the said company derives its title, and such real estate shall be sold at such public auction if the same will bring the amount of the demand, debt or liability, with interest and costs thereon, in or towards the payment or satisfaction of which the same may have been bought, taken or received by said company.

SEC. 25. That all conveyances of real estate made by said company, shall be signed by the president and countersigned by the secretary, and have thereto affixed the seal of said company; but all other contracts executed or made by said company, when signed by the president and countersigned by the secretary, shall be binding on said company.

SEC. 26. That said corporation shall have full power and competent authority to insure all kinds of property against loss or damage by fire or other cause or risk, to make all kinds of insurance against loss or damage on goods, wares, merchandize, money and other articles of value in the course of transportation or otherwise, whether on land or on water, to

make all manner of insurances on vessels and boats, against loss and damage by fire or perils of navigation, or other cause or risk, to make all manner of insurance upon life or lives, to lend money upon bottomry or respondentia, to cause itself to be insured against any loss or risk they may incur or have incurred in the course as its business, and against any maratime or other risk upon the interest which it may have in any vessel, boats, goods, merchandize or other property or money by means of any toan or loans, insurance or insurances or otherwise; and it may grant anannuities; and it shall be lawful for said company to invest any part or all of its capital stock, money, funds, and other property in stock or funded debts and in the stock of any chartered company bank or banks of this state or of any other state, or any branch thereof, and the same to sell or transfer at pleasure, and again to invest the same or any part thereof in such stock or funds whenever and as often as the exigencies for interest of the company hereby created or a due regard to the safety of its funds may require, or it may loan the same upon either real or personal security to individuals, corporations or companies upon such terms not inconsistent with the provisions of this act, as the directors for the time being may think best for the interest of said company hereby created. and the said company hereby created may take upon itself to discharge and perform all manner of agencies and trusts and may be attorney in fact, bailee, factor, bailiff, or receive for any person or persons body or bodies politic or corporate for any purpose, and of any thing whatsoever; and the office of the Evansville trust company is hereby made an office of discount and deposite, and the said company is hereby authorized to deal in exchange and the discount of promisory notes, and to receive cash and bank bills of any incorporated bank, and other valuable things upon deposite for such time and such rate of interest as may be agreed on, and to loan or discount the same, Provided however; that said company shall not receive any greater interest on any loan or loans than is now allowed by law to be taken by individuals; and provided, also; that said company shall not issue or emit certificate of deposite or bill of credit payable to bearer as a circulating medium of trade or exchange; nor shall it engage in the business of banking otherwise than in the purchase and sale of bank stock as aforesaid, and provided further; that all deposites made with said company shall be refunded on demand in specie, or its equivalent, except when special deposites are made, which shall be paid or refunded as agreed upon.

SEC. 27. That in all cases when said company shall refuse to pay deposites made in said office, on demand, the amount of the same shall be recovered by motion or suit in any court of competent jurisdiction ten days previous notice of said motion, if said motion be before the circuit court, and three days notice if before a justice of the peace, having been given; and upon judgements rendered therein, and upon all other judgments against said corporation for deposites, shall be allowed ten per cent. damages, and interest after the rate of six per centum per annum, from the date of such legal demand, and upon which judgments there shall be no stay of execution.

SEC. 28. That it shall be sufficient service of process on the corpora-

tion hereby created to execute the writ or notice on the president or secretary for the time being, and such service shall authorize judgment or proceedings by default against the corporation, in the same manner that judgments are taken by default against individual persons, on the execution of process.

Sec. 29. That any court or coufts within the county of Vanderburgh, having jurisdiction of the estates of any infant or infants, idiot or idiots, lunatic or lunatics, may, in their discretion, require said company to receive upon trust for accumulation any sum of money, of any infant or infants, idiot or idiots, lunatic or lunatics, at a rate of interest not exceeding five per centum per annum, for any term of time not less than one year.

SEC. 30. That the circuit court in and for the county of Vanderburgh shall, whenever it may deem it expedient so to do, appoint an examiner or commissioner, whose duty it shall be to examine into the affairs and condition of said company, and the said examiner or commissioner shall have power to examine on oath or affirmation (which he is hereby authorized to administer) all the officers, agents and servants of said company, in relation to the affairs and condition of said company, and he shall have power to examine all the books, papers, notes, bonds and other evidences of debt, of the company; to compare the books, funds and property of said company with its returns and statements made thereof, to ascertain the amount of money and valuable funds on hand, and generally to make every other inquiry and examination necessary to ascertain the exact condition of said company. And said examiner or commissioner shall file his report of the condition and affairs of said company in the office of said circuit court as soon after his appointment shall have been notified to him as he conveniently may, which said report shall be open to the inspection of all persons interested therein.

SEC. 31. That said company shall semi-annually in the first weeks in January and July, file in the clerk's office of the circuit court in and for the county of Vanderburgh, a statement of the affairs and condition of said company, setting forth.

1st. The amount of its available funds, designating each kind.

2nd. The amount of notes and bills of exchange discounted and insurances and annuities granted.

3d. The value of the real estate used for the business of said company.

4th. The value of other real estate owned by said company, and whether the same has been offered for sale as required by [this] Act.

5th. The amount of capital stock loaned, and the value of the real estate pledged to secure loans of capital stock or other loans.

6th. The value of real estate held upon mortgage and in trust severally.

7th. The amount of debts due to and from said company.

Sth. The amount of money on deposite and the time for which it is deposited, and the interest paid for it, and the amount of money in trust for accumulation.

9th. All such other maters as by the directors of said company may be deemed material or important.

SEC. 32. That the books for the subscription to the capital stock of said company shall be opened in the town of Evansville, by and under the

direction of John Shanklin, William Trafton, Nathan Rowley, R. M. Evans, Horace Dunham, John Mitchell and Alanson Warner, who are hereby appointed commissioners for that purpose, whose duty it shall be. or any three of them, to give notice of the time and place of opening books for subscriptions, in a news paper printed in said town; and it shall be lawful for any individual, company or body corporate, to subscribe for any number of shares, and individual, company or body corporate shall at the time of such subscribing, pay to said commissioners, one dollar on each share so subscribed, and it shall be the duty of said commissioners as soon as four hundred shares are subscribed, to give two weeks notice in some newspaper printed in said town, of the time and place for the stockholders to meet and elect the first board of directors, which election shall in all respects be governed by the provisions of this act for the election of di. rectors, and the board of directors thus elected, shall constitute the first board, and shall continue in office until the next annual election and until their successors in office shall be elected and qualified.

SEC. 33. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to [pay] over to said board of directors all moneys that may be in their hands belonging to said company and deliver over to them all books and papers belonging to the same and it shall be the duty of the directors before they proceed to make any policies of insurance, to demand and receive of each stockholder, the full amount of the stock by them respectively subscribed which payment shall be made either in cash or secured to be made by giving real or personal security to the satisfaction of the directors, and if any stockholder shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for director such stockholder shall forfeit to the company the amount paid on such stock at the time of subscribing: Provided, that the said corporation shall not commence business, or grant any policies of insurance, until four hundred (shares are subscribed and paid for or secured to be paid as aforesaid; all the remaining balance of the stocks hall be offered for sale at such time and place and on such terms as the directors for the time being may from time to time direct.

SEC. 34. That when said corporation shall have commenced business as aforesaid, and shall grant policy or policies of insurance, on any kind of property, real or personal, against loss or damage by fire, or any other cause or risk on any goods merchandise or produce, whether on the land or on the water, on any vessel or boats whatever, and whenever they may be on life or lives or shall lend any money on bottomry and respondents or shall become the underwriter of any foreign or domestic bill of exchange, bond note or obligation, it shall be lawful to charge such rate of premium or interest as may be agreed upon by the parties.

SEC. 35. That whenever any property real or personal on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vender or vendees of such policy to assign such policy to the vendee or vendees of such property, and such assignee or assignees shall have the full benefit thereof: Provided, that before any loss happens, notice shall be given to said company of said assignment, and

Provided, that said company when so notified shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

SEC. 36. That whenever said corporation shall be notified of any loss sustained or incurred on any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost or incurred on such policy within sixty days after being so notified: provided, there shall have been no violation of the condition of the policy on the part of the insured, and on all judgments obtained by or against said corporation, there shall be no stay of execution except on judgments for money loaned, and on discounted promissory notes, upon which said judgment for money loaned and discounted notes, there shall be allowed the same stay of execution, as now or may hereafter be allowed by law in other cases.

SEC. 37. The stockholders in said company shall be, and they are hereby made liable out of their own individual property and estates for all the liabilities of said company created or incurred during the time of their being such stockholders to each and every person or persons holding or having such liability against said company: Provided however, that said stockholders shall not be held so liable until the property and assets of said company shall have been exhausted.

SEC. 38. The stockholders may at any general meeting, increase or diminish the number of directors, provided there shall never be less than five nor more than thirteen directors.

SEC. 39. This act shall be deemed and taken to be a public act and liberally construed for all beneficial purposes; and no omission to perform any thing by this act required to be done shall be a forfeiture to this charter or dissolution of said company, but the circuit court in and for the county of Vanderburgh may by mandamus upon complaint of any person interested compel the performance of any and every thing required to be performed by said company by this charter.

CHAPTER LXXIII.

w. diskiple in the the law we will be a superior to the superior to

come a design of the action of the control of the control of the

we have been remarked to be the policy of the party of the party of the last

An act to incorporate Fountain county Insurance company, and the Williamsport Warren county Insurance company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be and is hereby established in the town of Attica, an Insurance company, with a capital stock of two hundred thousand dollars, to be divided in shares of fitty dollars each, and subscribed and paid for by individuals, corporations, or companies, in manner hereafter specified; which stockholders and subscribers, and their successors shall be, and they are hereby created a body politic and corporate, with perpetual succes-

sion, by the name and style of the "Fountain county insurance company." That there shall be and is hereby established in the town of Williamsport, an insurance company, with a capital stock of two hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies or corporations, in manner hereinafter specified, which stockholders and subscribers, and their successors shall be, and hereby are created a body politic and corporate with perpetual succession, by the name and style of the "Williamsport Warren county insurance company;" cach company to have and enjoy the privileges herein granted for the period of fifty years from and after the passage of this law, and by each of their separate names, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of their business, or which may be conveyed to said companies for the security, or in payment of any debt which may become due, and owing to the same, or in satisfaction of any judgment of any court of law, or any order or decree of any court of equity, in their favor; and may have and use a common seal, and the same alter, change, break or renew at pleasure, and may also make, ordain, establish or put in execution, such by-laws, ordinances, rules and regulations as shall be necessary and proper for the good government of said companies, and the prudent and efficient management of their affairs: Provided, That no by-laws ordinances, rules or regulations of said companies, shall in any wise be contrary to the constitution and laws of this state, or of the United States; And provided also, That said companies shall not own or hold at any time, by legal title, a greater amount of real estate than shall be of the value of two hundred thousand dollars to each company.

Sec. 2. That said corporations shall have full power and lawful authority, to insure all kinds of property, against loss or damages by fire, or any other cause or risk, to make all kinds of insurance against loss or damages on goods, merchandize and produce, in the course of transportation or otherwise, whether on the land or on the water, and any vessel or boats, wherever they may be, to make all kinds of insurance on life or lives, to lend money on botomory or respondentia, to cause themselves to be insured against any cause or risk they may have incurred in the course of their business, and against any maratime or other risk, upon the interest which they may have in any vessel, boat, goods, merchandize or other property, by means of any loan or loans which they may make on mortgage, botomry and respondentia, and generally to do and perform all other necessary matters and things connected with and proper to promote

these objects.

SEC. 3. That it shall be lawful for said companies or either of them, to invest any part of their capital stock, monies, funds or other property, stock or funded debts, created or to be created, by or under any law of the United States, or of this or any other particular state, or in the stock of any chartered bank of this state or of the United States, or any branch

thereof, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof, in such stock or funds, whenever or as often as the exigencies of said corporations, or a due regard to the safety of their funds may require, or they may loan the same or any part thereof to individuals or corporations, on real or personal security, for such periods of time or under such restrictions and limitations and for such terms as the directors thereof for the time being, shall deem prudent and best for the interest of said companies; That the office of the Fountain county insurance company, and the office of the Williamsport Warren county insurance company, be and the same are hereby made offices of discount and deposite and are hereby authorised to deal in exchange and the discount of promissory notes, sealed notes and other securities for money and negotiable inland bills of exchange, payable at the office of each company, and to receive cash and the bank bills of any incorporated bank on deposit, for such time and on such interest as may be agreed on, and to discount or loan the same, upon such terms and such rate of interest as may be agreed upon between said companies, and the person or persons company or corporation, discounting or borrowing the same: Provided, however, That all deposites made in said office shall be refunded and paid by said corporation, on demand, in specie or its equivalent, except where special deposites are made, which shall be refunded and paid as agreed upon: And provided also, That it shall not be lawful for said corporation to issue or emit any bills of credit, or any bill payable to order or bearer, as a circulatory medium of trade or exchange, or in any manner engage in the business or operation of banking, otherwise than the purchase and sale of bank stock as aforesaid.

SEC. 4. That in all cases where said companies shall refuse to pay deposits made in said offices, on demand, the amount of the same shall be recoved by motion or suit in any court of competent judiction, ten days previous notice of said motion, if before the circuit court, and three days notice if before a justice of the peace having been given; and upon judgment rendered therein, and upon all other judgments against either of said corporations for deposites, shall be allowed ten per centum damages, and interest after the rate of six per centum per annum, from the date of such legal demands, and upon which judgments there shall be no stay of execution.

Sec. 5. That it shall be sufficient service of process on either corporation hereby created to execute the writ or notice on the President or Secretary, and a majority of the directors, for the time being: and such service shall authorize judgment on proceedings by default, against either of said corporations, without appearance or plear by the corporation, in the same manner that judgments or proceedings are taken by default against individual persons, on the execution of process.

SEC. 6. That the real and personal estate, business, property, funds and prudential concerns of each of said corporations, and the administration of each of their affairs, shall be under the management, direction and control of a board of nine directors, who shall be stockholders and citizens of the State of Indiana, and after the first election they shall be elected by the stockholders on the second Monday of October annually.

at such time of day, and at such place in the towns of Attic and Williamsport as the directors of each company for the time being shall direct: they shall hold their offices for the term of one year, and until their successors shall be chosen; and notice of such elections shall be advertised and published, for three weeks next preceding the same, in a newspaper printed nearest to the town of Attica; and each of such elections shall be by ballot, and a plurality of votes received and counted in public, by and under the direction of three stock holders, not directors at the time, to be previously appointed by the board of directors for that purpose and at all such elections, and at all other meetings of the stock-holders held under the provisions of this act, each shall be entitled to one vote for each share: Provided, That no stock-holder shall be entitled at any one time to more than twenty five votes, and any stock-holder not personally attending such election or other regular meetings of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stock-holder present at such election or meetings; and in case it should so happen, that an election of directors should not be made on any days, when by this act, it ought to have been made, it shall and may be lawful for each of said companies, to make an election for directors on any other day, in such manner as may be provided for by the bylaw and ordinances of each of said corporations.

SEC. 7. That the directors of each company duly chosen under the provisions of this act, shall, as soon as may be, after the first, and every annual election, elect from eachlof their own bodies a president, who shall preside on the board until the next annual election, and in case of his death, resignation or absence, the board shall appoint a president pro tempore; each of said companies shall fill all the vacancies which may occar in their own body, during the time for which they were elected, and shall appoint a secretary and all subordinate officers, and clerks, agents and servants for each of said corporations; fix their compensation, defined their powers, and prescribe their duties, who shall hold their several offices during the pleasure of each board, under such regulations, restrictions and limitations, not inconsistant with the provisions of this act, and the by-laws, rules and ordinances of each of said companies, as the directors for the time being shall prescribe; they shall make such by-laws rules and regulations for their own government, & for the management and disposition of the stock, property, estate, funds and business of each of said companies and all matters refering thereto asshall be needful and proper, not contrary to the provisions of this act, and the by-laws, rules, ordinances and regulations adopted at any regular meeting or meetings of the stock-holders, they shall hold stated meetings, agreeably to their own regulations and at such times as the president of each company thereof, for the time being, shall order and direct; and a majority of the whole number shall constitute a quorum, and be competent to the transaction of business within the scope of their powers, and connected with their duty, and all questions before each board shall be decided viva voce by a majority of the directors present, any two of whom may require the ayes and nays to be taken on any proposition submitted and entered on the journal of their proceedings, and no vote shall be reconsidered by a less number than

were present and voting when the original vote was taken. Each company shall in the first week in January and July annually, make and declare such dividends of the profits resulting from their business, as shall not impair or in any wise lessen the capital stock of the same, and cause the same to be paid to the several stock holders:

Provided, That no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock

as part payment thereof.

SEC. 8. That all policies of insurance which may be made or entered into by either of said corporations shall be subscribed by the president, or president pro tempore or by such other officers as shall be designated for that purpose by its by laws and attested by the secretary, and being so signed and attested, shall be binding and obligatory on the said corporation, without the seal of thereof according to the true intent and meaning thereof and all such policies or contracts may be entered into and so signed and attested and the business of each corporation may be carried on without the presence of the board of directors by the president and secretary subject nevertheless to the by laws, rules, ordinances and regulation-established by each board of directors. It shall be the duty of the secretary of each board at every annual election or other general meeting of the stockholders to lay before them a correct and particular statement of the condition and affairs of said company.

SEC. 9. That the stock of each of said companies shall be assignable and transferrable on the books of the same or otherwise, according to such rules and by laws and subject to such restrictions and limitations, as may be established by the directors of each company and all such stock

shall be held and considered as personal property.

SEC. 10. That any number of stock-holders, who shall at the time be the owners of one tenth part of the stock sold, shall have power to call a general meeting of the stock-holders by giving two weeks notice in the newspaper printed nearest to the town of Attica, of the time and place of such meetings and the stock-holders present in person or by proxy, at any such meetings, shall decide all questions proposed for consideration, by a plurality of votes, and may make and prescribe such bylaws, rules, ordinances and regulations as to them shall appear needful, and proper, in relation to the management and affairs of each company, or for the government and directors of the officers thereof.

SEC. 11. That books for the subscription to the capital stock of "The Fountain County Insurance Company," shall be opened in the town of Attica, by and under the direction of William Crumpton, Isaac Colman, Jasper J. Eldridge, Milton H. Milford, William Hoffman, William Hawkins, John Hemphill and John Eagan, who are hereby appointed commissioners for that purpose, whose duty it shall be or any three of them, to give notice of the time and place of opening books for subscriptions, in the newspaper printed nearest to said town; and it shall be lawful for any individual, company or body corporate, to subscribe for any number of shares, and such individual, company or body corporate, shall at the time of subscribing, pay to the said companies, one dollar on each share so subscribed; and it shall be the duty of said commissioners, as

soon as two hundred shares are subscribed, to give two weeks notice in some newspaper printed nearest to the town of Attica, of the time and place for the stock-holders to meet and elect the first board of nine directors, and the board of diectors thus elected, shall constitute the first board, and shall continue in office until the next annual election. That looks for the capital stock of "The Williamsports Warren County Insurance Company" shall be opened in the town of Williamsport, by and under the direction of James Goodwin, Henry Lowrey, Nathaniel Cunningnam, James H. Buell, James McDonald, James Cunningham, and Israel T. Cauby, who are hereby appointd commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books to receive subscriptions, in some newspaper printed nearest said town of Williamsport; and it shall be lawful for any individual, company or body corporate, to subscribe for any number of shares, and such individual, company, as body corporate, shall at the time of subscribing, pay to the said commissioners, one dollar on each share so subscribed; and it shall be the duty of said commissioners, as soon as two hundred shares are subscribed, to give notice in the newspaper printed nearest to the town of Williamsport, of the time and place for the stock-holders to meet and elect the first board of nine directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the board of directors thus elected. shall constitute the first board, and shall continue in office until the next annual election.

SEC. 12. As soon as the board of directors of either of the companies are elected as aforesaid, it shall be the duty of the commissioners to pay over to the said boards of directors all moneys that may be in their hands belonging to the company of which they are commissioners, and deliver over to them, all books and papers belonging to the same; and it shall be the duty of the directors before they proceed to make policies of insurances, to demand and receive of each stockholder, the full amount of stock by them respectively subscribed, which payment shall be made either in cash, or secured to be made, by giving real or personal security to the satisfaction of the directors; and if any stockholder shall fail to make such payment or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company of which he is a subscriber, the amount of such stock at the time of subscribing: Provided, That neither of said corporations shall commence business or grant any policies of insurance until two hundred shares are and paid subscribed for, or secured to be paid for as aforesaid, it being one-twentieth part of the capital stock of each company; all the remaining balances of the stock of each company shall be offered for sale at such time and place, and on such terms, as the directors for the time being may from time to time direct.

SEC. 13. That when said corporations or either of them shall have commenced business as aforesaid, and shall grant any policy or policies of insurances, on any kind of property, real or personal, against loss or damage by fire, or other cause or risk on any goods, merchandise or produce, whether on the land or on the water, on any vessels or boats what-

ever, and whether they may be on life or lives, shall lend any money on botomry and respondentia, or shall become the under-writer on any foreign or domestic bill of exchange, bond note, obligation or security for the payment of money, it shall be lawful to charge such rate of premium

or interest as may be agreed upon by the parties.

SEC. 14. That whenever any property real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or vendors to a sign such property, and such assignee or assignees shall have the full benefit thereof: Provided, That before any loss happens, notice shall be given said company of such assignment: And provided, That said company when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

SEC. 15. That there be and is hereby established in the town of Rockville an insurance company with a capital stock of two hundred thousand dollars, to be divided into shares of fifty dollars each, to be known as the "Rockville Parke county insurance company," that shall have all the powers and be governed in all respects as is contained in the above act, and as is given to the above incorporations; and that T. A. Howard, John G. Davis, Matthew Nael, Walter C. Davalason, John Sunderland, Hugh J. Bradley and Perssens E. Harris are hereby appointed commissioners to open books and receive subscriptions for that purpose, and shall proceed in doing so, in all respects under the above named act, and that all notices to be given under said act of incorporation relative to said institution shall be published in the nearest paper published to Rockville in said state, and that said company shall proceed in all respects and be governed as is hereby given to said company all the powers, rights and privileges that is given to the above named institutions, and that said Rockville Parke county insurance company is hereby declared a body corporate with such name to sue and be sued.

SEC. 16. That whenever said corporations or either of them shall be notified of any loss, sustained or incurred on any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost or incurred on any policy within sixty days after being so notified: Provided, There shall have been no violation of the condition of the policy on the the part of the insured; and on all judgments obtained by either of said corporations, there shall be no stay of execution, except on judgments for money loaned and on discounted promissory notes, there shall be allowed the same stay of execution, as is now, or may hereafter be allowed by law in other cases; the stockholders of either corporation may, at any regular meeting either increase or diminish the number of directors; Provided, That there shall never be more than thirteen nor less than five.

SEC. 17. That in no case shall said companies or either of them, receive from the state bank of Indiana, or either of its branches, any monies on deposite or as a loan, to serve as a means of discount, or purchase of bills of exchange, notes, bonds, or in any wise be connected in monied operaion with the state bank of Indiana, or either of its branches.

SEC. 18. This act shall be in force from and after its publication, and shall be deemed and taken as a public act, and shall be construed favorably as a several act, applying to each of the corporations for every beneficial purpose.

CHAPTER LXXIV.

An Act to incorporate the Brownstown Insurance Company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That there shall be, and hereby is established in the town of Brownstown, an insurance company, with a capital stock of fifty thousand dollars, to be divided into shares of twenty-five dollars each, and subscribed and paid for by individuals, companies or corporations in manner hereinafter specified; which stockholders and subscribers and their successors. shall be and hereby are created a body politic and corporate, with perpetual succession, by the name and style of "The Brownstown Insurance Company," for the period of fifty years from and after the passage of this law; and by that name shall be competent to contract and be contracted with, and to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold. possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debt, which may become due, and owing to the same, or in satisfaction of any judgment of any court of law or any order or decree of any court of equity, in their favor; and may have and use a common seal, and the same alter, change, break or renew at pleasure; and may also make, ordain, establish and put in execution, such by-laws, ordinances, rules and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: Provided, That no by-laws, ordinances, rules and regulations of said company, shall in any wise be contrary to the constitution and laws of this State or of the United States. And, provided also, That said company shall not own or hold at any one time, a greater amount of real estate, than shall be of the value of fifty thousand dollars.

Sec. 2. The said corporation shall have full power and lawful authority, to ensure all kinds of property, against loss or damage by fire, or any other cause or risk, to make all kinds of insurance against the loss or damage on goods, merchandize or produce, in the course of transportation or otherwise, whether on the land or on the water, and on any vessel or boats, wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry or respondentia, to cause them-

selves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk upon the interest which they may have in any vessel, boats, goods, merchandize or other property, by means of any loan or loans which they may make on mortgage, bottomry or respondentia, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

SEC. 3. That it shall be lawful for said company to invest any part of their capital, stock, money, funds or other property, in stocks or funded debts, created or to be created, by or under any law of the United States, or of this or any other particular State, or any stock of any chartered bank of the United States or any branch thereof; and the same to sell and transfer at pleasure, and again to invest the same or any part part thereof, in such stock or funds, whenever and as often as the exigencies of said corporation, or a due regard to the safety of its funds may require, or they may loan the same or any part thereof to individuals or corporations, on real or personal security, for such periods of time, and under such restrictions and limitations, and upon such terms as the directors thereof for the time being, shall deem prudent and best for the interest of said company: that the office of "The Brownstown Insurance Company," be, and the same is hereby made an office of discount and deposit, and are hereby authorized to deal in exchange and the discount of promissory notes, and to receive cash and the bank bills of any incorporated bank on deposit, for such time and on such interest as may be agreed on, and to discount or loan the same, upon such terms and upon such rate of interest, as may be agreed upon between said company and the person or persons, company or corporation, discounting or borrowing the same, not exceeding the rate of interest individuals are allowed by law to receive: Provided, however, That all deposits made in said office, shall be refunded and paid by said corporation, on demand, in specie or its equivalent; except where special deposits are made, which shall be refunded and paid as agreed upon: And, provided also, That it shall not be lawful for said coporation, to issue or emit any bills of credit or any bills payable to order or bearer as a circulating medium of trade or exchange, nor in any manner [engage] in the business or operation of banking, otherwise than as aforesaid.

SEC. 4. That in all cases where said company shall refuse to pay deposits made in said office, on demand, the amount of the same shall be recovered by motion or suit in any court of competent jurisdiction, ten days previous notice of said motion, if before the circuit court, and three days notice if before a justice of the peace, having been given, and upon judgments rendered therein, and upon all other judgments against said corporation, for deposits, shall be allowed ten per cent. damages, and interest after the rate of six per cent. per annum, from the date of such legal demand, and upon such judgments there shall be no stay of execution.

SEC. 5. That it shall be sufficient service of process on the corporation hereby created, to execute a writ or notice on the president or secretary, or any of the directors, for the time being; and such service shall authorize judgment on proceedings by default, against the corporation, without appearance or plea, by the corporation in the same manner that judgments or proceedings are taken by default against individual persons, on

the execution of process.

SEC. 6. That the real and personal estate, business, property funds and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction and control of a board of nine directors who shall be stockholders, and citizens of the state of Indiana, and after the first election, they shall be elected by the stockholders on the second Monday in October annually, at such time of day and at such place as the directors for the time being shall direct, they shall hold their offices for the term of one year and until their successors shall be chosen; and notice of such election shall be advertised and published for three weeks next preceding the same, in a newspaper printed nearest said town, and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders not directors at the time, to be previously appointed by the board of directors for that purpose; and at every such election, and all other meetings of the stockholders held under the provisions of this act, each shall be entitled to one vote for each share: Provided, That no stockholder shall be entitled at any time to more than twenty-five votes, and any stockholder not personally attending such election or other meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting; and in case it should so happen, that an election of directors should not be made on any days, when by this act it ought to have been made, it shall and may be lawful for said company, to make an election for directors on any other day, in such manner as may be provided for by the by laws and ordinances of said corporation.

Sec. 7. That the directors duly chosen under the provisions of this act, shall, as soon as may be after the first, and every annual election, elect from their own body, a president, who shall preside in the board until the next annual election, and in case of his death, resignation or absense, the board shall appoint a president pro tempore; they shall fill all vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary and all subordinate officers, clerks, agents and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offiees during the pleasure of the board, under such regulations, restrictions and limitations, not inconsistent with the provisions of this act and the bylaws, rules and ordinances of said company, as the directors for the time being shall prescribe; they shall make such by-laws, rules and regulations for their own government, and for the management and disposition of the the stock, property, estate, funds and business of said company, and all matters referring thereto, as shall be needful and proper, not contrary to the provisions of this act, and the by-laws, rules, ordinances and regulalations adopted at any regular meeting or meetings of the stockholders; they shall hold stated meetings, agreeably to their own regulations, and at such times as the president thereof, for the time being, shall order and

direct; and a majority of the whole number shall constitute a quorum, and be competent to the transaction of business within the scope of their powers, and connected with their duty; and all questions before the board shall be decided viva voce by a majority of the directors present, any two of whom may require the yeas and nays to be taken on any proposition submitted, and entered in the journal of their proceedings, and no vote shall be reconsidered by a less number than were present and voting when the original vote was taken. They shall in the first week in January and July annually, make and declare such dividends of the profits resulting from their business, as shall not impair or in any wise lessen the capital stock of the same, and cause the same to be paid to the several stockholders: Provided, that no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment thereof.

SEC. 8. That all policies of insurance, which may be made or entered into by said corporation, shall be subscribed by the president, or president pro tempore, or by such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary; and being so signed and attested by the secretary, shall be binding and obligatory on the said corporation, without the seal thereof: and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors, by the president and secretary, subject nevertheless to the by-laws, rules, ordinances and regulations established by the board of directors. It shall be the duty of the secretary at every annual election or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of said corporation.

SEC. 9. That the stock of said company shall be assignable and transferable, on the books of the same or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations, as may be established by the directors; and all such stock shall be held and considered as

personal property.

SEC. 10. That any number of stockholders, who shall at the time be the owners of one tenth part of the stock sold, shall have power to call a general meeting of the stockholders, by giving two weeks notice in some newspaper printed nearest said town, of the time and place of such meeting, and the stockholders present in person or by proxy, at any such meeting, shall decide all questions proposed for consideration, by a plurality of votes, and may make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof.

SEC. 11. That books for the subscription to the capital stock of said company shall be opened in the town of Brownstown by and under the direction of William H. Ewing, A. C. Griffith, Samuel P. Money, D. Kress, Rezin Redman, William Crenshaw, and John Crabb who are hereby appointed commissioners for that purpose, whose duty it shall be or any three of them, to give notice of the time and place of opening books for subscription, in the newspaper printed nearest said town; and it shall

be lawful for any individual, company, or body corporate, to subscribe for any number of shares; and such individual, company, or body corporate shall at the time of subscribing, pay to the said commissioners, one dollar on each share so subscribed; and it shall be the duty of said commissioners, as soon as two hundred shares are subscribed, to give two weeks notice in the newspaper printed nearest said town, of the time and place for the stockholders to meet and elect the first board of nine directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the board of directors thus elected, shall constitute the first board and shall continue in office until the next annual election.

Sec. 12. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to said board of directors, all moneys that may be in their hands belonging to said company, and deliver over to them, all books and papers belonging to the same; and it shall be the duty of the directors, before they proceed to make any policies of insurance, to demand and receive of each stockholder, the full amount of the stock [by them] respectively subscribed, which payment shall be made either in cash, or secured to be made, by giving real or personal security to the satisfaction of the directors: and if any stockholder shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company, the amount paid on such stock at the time [of] subscribing: Provided, that the said corporation shall not commence business, or grant any policies of insurance, until two hundred shares are subscribed and paid for, or secured to be paid as aforesaid, it being one tenth of the capital stock; all the remaining balance of the stock shall be offered for sale, at such time and place, and on such terms, as the directors for the time being may from time to time, direct.

SEC. 13. That when said corporation shall have commenced business as aforesaid and shall grant any policy or policies of insurance, on any kind of property, real or personal, against loss or damage by fire, or any other cause, or risk on any goods, merchandize or produce, whether on the land or on the water, on any vessel or boats whatever and wherever they may be, on life or lives, or shall lend any money on bottomry and respondentia, or shall become the underwriter of any foreign or domestic bill of exchange, bond, note or obligation, it shall be lawful to charge such rate

of premium or interest as may be agreed upon by the parties.

SEC. 14. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendee or vendees of such property, and such assignce, or assignees shall have the full benefit thereof; Provided, that before any loss happens, notice shall be given to said company of said assignment. And provided, that said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

SEC. 15. That whenever said corporation shall be notified of any loss, sustained or incurred on any policy of insurance, granted or issued by the same, it shall be the duty of said corporation, to pay the amount so

lost or incurred on such policy, within sixty days after being so notified: Provided, there shall have been no violation of the condition of the policy on the part of the insured; and on all judgments obtained by or against said corporation, there shall be no stay of execution, except on judgments for money loaned, and on discounted promissory notes, upon which said judgment for money loaned, and discounted notes, there shall be allowed the same stay of execution, as now, or may hereafter be allowed by law in other cases.

The stockholders may, at any regular meeting, either increase or diminish the number of directors; Provided, that there never shall be more

than thirteen nor less than five.

SEC. 16. In case of insolvency or insufficiency of the effects of the company to pay the debts against the same, the stockholders shall be liable

in equity out of their own individual estates.

SEC. 17. This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose.

CHAPTER LXXV.

An act to incorporate the Milton Savings Institution.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Allen Hiatt, George Hopkins, Mordecia Hiatt, John Crum, Eli Wright, Jonathan Justice, N. B. Hawkins, John H. Wright, J. R. Lamson, C. H. Moore, G. W. Snider, Daniel Sinks, Aaron White, George D. Morris, Hatfield Wright, and their associates be and they are hereby created and made a body politic and corporate for the term of twenty years from and after the first day of May next, who shall by the name and style of "the Milton Savings Institution," be able and capable in law to hold and dispose of property as hereinafter provided; and to sue and besued, plead and be impleaded, answer and be answered unto, and defend and be defended in any court of law or equity, or in any other place whatsoever; and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever; and generally to do any other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design, of the corporation; and shall have power to make and use a common seal, and the same to change and renew at pleasure.

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars, to be divided into shares of twenty five dollars each, to be divided and paid for by individuals, companies or corporations, under the direction of Allen Hiatt, George Hopkins, Mordecai Hiatt, John Crum,

Eli Wright, Jonathan Justice, N. B. Hawkins, John H. Wright, J. R. Lamson, C.H. Moore, G. W. Snider, Daniel Sinks, Aaron Wright, [White] George D. Morris, Hatfield Wright, or any five of them whose duty it shall be to give three weeks notice, of the time and place of opening books of subscription, by advertising in three of the most public places in said town or township where said institution may be located, it shall be the duty of the persons or corporation taking stock to pay, at the time of subscribing, one dollar on each share for which they shall subscribe.

SEC. 3. That the stockholders shall meet together, in general meetings, once in each year at such time and place as may be designated by the individuals, named in the second section of this act, and by the directors that may hereafter be appointed or elected, who shall at such meeting have power to pass such by-laws, (not inconsistent with the laws of this State) as to them may seem needful, for the government of the directors, and for the management and disposition of the stock, property, estate, funds, and business of the company. They shall, at their first meeting, appoint the time and place for the election of directors, as also the rumber to be elected, not less than five nor more than nine, and do such other business, as to them shall seem proper, for the promotion of the interest of said company.

SEC. 4. The persons named in the second section of this act, shall be the directors of said corporation until others are appointed or elected

and qualified, under the provisions of this act.

Sec. 5. The directors of the Milton Savings Institution, and Insurance company, shall, at their first meeting after the passage of this act, and at the first meeting after any annual election for directors under the provisions of the same, appoint one of their own body as president thereof, who shall preside at all meetings and sign all contracts entered into by said company, which shall be valid, without a seal and binding on the corporation; he shall hold his office until the next annual election, and until his successor shall be elected and qualified; and in case of his death, resignation, or absence the board shall appoint a president protem, they shall fill all vacancies which may occur in their own body, who shall hold their office until the next annual election, and until their successors may be elected and qualified. They shall appoint such clerks, secretaries agents and servants as may be necessary to transact their business; fix their salaries or compensations and define their powers and duties; and the said officers and servants shall hold their respective situations at the pleasure of the board, under such regulations, and limitations as they may prescribe.

SEC. 6. The election of directors shall be by ballot, and a plurality of votes received and counted in public, under the inspection of three stockholders, shall be sufficient to elect. At every such election, and at all other meetings of the stockholders, held under the provisions of this act, each person shall have one vote for each share of stock he may own at the time, and any stockholder not attending such election or other meeting of stockholders having a right to vote, may vote by proxy, under such regulations as may be prescribed in the by-laws of said company; and should the stockholders fail to meet on the day appointed to elect their directors, it shall be lawful for them to meet on some other day under the

provisions of their by-laws, and elect said directors, all of whom shall hold their offices one year from their general or annual elections, and until their

successors shall be elected and qualified.

Sec. 7. The president and directors shall hold their meetings at stated times, under their own regulations, and at such other times as the president, for the time being shall order and direct, and the majority of the whole number of the directors shall form a quorum; and all questions before the board shall be decided viva voce, by a majority of the directors present, any two of whom may require the ayes and noes, on any proposition submitted, to be entered on the journal of their proceedings, and no vote shall be rescinded by a less vote than was given in favor of the resolution or order at the time it was adopted or made. They shall, in the first week in January and July of each year, make out and declare such dividends of the profits resulting from their business as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders: Provided, that no such dividend shall be paid on any stock that has not been fully paid, but shall be passed to the credit of such stock as part payment thereof.

SEC. 8. Said directors shall make such by-laws, rules, and regulations (not inconsistent with the laws of this State, and the by-laws of the company,) as they may deem necessary for the good government of the company in which they shall prescribe the manner in which stock shall be

transferred.

Sec. 9. That so soon as four hundred shares are subscribed and taken, and a board of directors organized the stockholders shall pay and secure to the company the whole of the amount of their stock, such parts thereof to be paid in cash as the directors may require, and the balance to be secured in a note to the satisfaction of the directors; and if any stockholder shall neglect, refuse or fail, to pay and secure the same as above required, within thirty days after being called upon by some one of the directors or servants of said corporation, either in person or by a writing left at his usual place of residence or put in the post office and directed to the town or post office nearest where such stockholder resides, he shall forfeit the amount he has already paid; and when the stock of said company shall be paid and secured as above (and not before) the said company may commence business.

SEC. 10. Said company shall receive deposits of gold and silver coin, and bullion and moneys of every description on such terms and such rate of interest as the parties may agree upon, and shall pay the same out agreeably to contracts on the demand of the depositor, and on the failure to do so shall pay an interest of ten per centum per annum from the time of such demand until the same shall be paid; and on judgments recover-

ed on such contracts there shall be no stay of execution.

SEC. 11. It shall be lawful for said company to invest any part of their capital stock, money, funds or other property in any public stocks or funded debts, or in the stock of any charterd bank or banks in this or any other State, and the same to sell or transfer at plasure, and re-invest whenever, and so often as the situation of said company or a due regard to the safety of its funds may require, or they may discount or loan the

same on real or personal security, for such periods of time and under such restrictions and limitations as the directors thereof for the time being shall deem prudent and for the best interest of the company: Provided, That contracts for interest shall not be at a higher rate than is allowed by law to individuals at the time of such contract.

SEC. 12. Said company shall not use or employ any part of the capital stock, money or other funds, in the purchase of goods, wares, or merchandise, nor shall they emit bills of credit as a circulating medium, nor in any manner engage in the business of banking, except to deal in gold and

silver coin and bullion and bills of exchange.

SEC. 13. That it shall not be lawful for said company to hold any real or personal estate, except such as shall be necessary for the transaction of their business and such as shall be bona fide mortgaged, pledged and deeded in trust to them in the transaction of their business, and such as shall be purchased on judgments, decrees or orders, adjudged, decreed or ordered on transactions had with said company, or such as shall have been taken for a debt due to them in the transaction of their business; and said company may proceed on all mortgages, deeds of trust, pledges and other securities for the collection of the same in the same manner that natural persons proceed on such securities for the purpose of converting the same into money: Provided, That said corporation shall not hold real estate an unreasonable time, but shall sell all that may be taken as above as soon as they can conveniently turn the same into money, to the amount of the original debt and interest.

SEC. 14. That said corporation shall have full power to insure all kinds of property against loss or damage by fire or any other risk whatever, and severally to do and perform all other matters and things connected with insurances, of every description; in all of which business and transactions the said company may charge such rate of premium as may be agreed

upon by the parties.

SEC. 15. That said corporation shall not, at any time, nor under any circumstances, loan money under color or pretence of purchasing any bill of exchange, nor shall they purchase any note of hand or other legal liability, nor issue any certificate of deposit, or any other paper or writing, which may be construed or made to answer the usual purposes for which the notes of the State bank, or its branches, or any other banking institution are designed, or can be made to answer.

Sec. 16. It shall not be lawful for said corporation to place in the hands of any person or persons directly or indirectly, any money or bank notes, for the purpose of loaning or discounting paper, or under any pretence of discounting or engaging to discount any note or draft, unless the

same be presented at their counter.

SEC. 17. That in all cases where execution shall issue against said corporation, the same shall first be levied of the goods and chattels, lands and tenements belonging to said corporation as its joint property, and on a return on such execution, of "no property found," or not a sufficiency of property to satisfy such execution, then and in that case the individual property of each of the corporators who were stockholders at the time of the debt, demand or liability accrued, shall be held for said debt to

the amount of the stock he or they held therein and no further; but no execution shall issue against any stockholder in their individual character. until a scire facias shall be issued against and served on them to appear and show cause, if any they can, why execution should not go against them; and upon such trial, the stockholder may be permitted to plead that he was not a stockholder at the time of contracting such debt, demand or liability; or that the corporation was not liable for said debt, or other legal cause of defence.

SEC. 18. No person shall be director or officer in the institution, who

is a director of any branch of the State bank of Indiana.

SEC. 19. The directors shall at no time be allowed to borrow money out of any branches of the State bank, in their corporate capacity.

SEC. 20. This act to be declared to be a public act, and shall take effect and be in force from and after its passage.

CHAPTER LXXVI.

An act to incorporate the Bloomfield and White River Insurance Company.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be, and hereby is established in the town of Bloomfield, an insurance company, with a capital stock of two hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies or corporations, in manner hereinafter specified; which stockholders and subscribers, and their successors, shall be, and are hereby created a body politic and corporate, with perpetual succession, by the name and style of "The Bloomfield and White River Insurance Company," for the period of thirty years from and after the passage of this law: and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debts which may become due and owing to the same, or in satisfaction of any judgment of any court of law, or any order or decree of any court of equity, in their favor; and may have and use a common seal, and the same to alter, change, break or renew at pleasure; and may also make, ordain, established and put in execution, such by-laws, ordinances, rules and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: Provided, That no bylaws, ordinances, rules or regulations of said company, shall in any wise be contrary to the constitution and laws of this State, or of the United States: And, provided also, That said company, shall not own or hold at any one time, by legal title, a greater amount of real estate, than shall be

of the value of twenty-five thousand dollars.

SEC. 2. That said corporation shall have full power and lawful authority, to insure all kinds of property, against loss or damage by fire, or any other cause or risk, to make all kinds of insurance against loss or damage on goods, wares, merchandize and produce, in the course of transportation or otherwise, whether on the land or on the water; and any vessels or boats, wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry or respondentia; to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk, upon the interest which they may have in any vessel, boat, goods, merchandize or other property, by means of any loan or loans which they [may] make on mortgage, bottomry and respondentia, and generally to do and perform all other necessary matters and things connected with

and proper to promote these objects.

SEC. 3. That said company is fully empowered to invest any part of their capital, stock, moneys, funds or other property, in stocks or funded debts, created or to be created, by or under any law of the United States, or of this or any other particular State, or in the stock of any chartered bank of this State, or of the United States, or any branch thereof, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof, in such stocks or funds, whenever and as often as the exigencies of said corporation, or a due regard to the safety of its funds may require; or they may loan the same or any part thereof to individuals or corporations, on real or personal security, for such periods of time and under such restrictions and limitations, and upon such terms as the directors thereof for the time being, shall deem prudent and best for the interest of said company; that the office of the Brownstown and White River Insurance Company, be, and the same is hereby made an office of discount and disposit, and are hereby authorized to deal in exchange and the discount of promissory notes, and to receive cash and the bank bills of any incorporated bank on deposit, for such time and on such interest, as may be agreed on, and to discount or loan the same, upon such terms and upon such rate of interest, not exceeding the rate allowed by law to individuals at the time of such agreement, as may be agreed upon between said company and the person or persons, company or corporation, discounting or borrowing the same: Provided, however, That all deposits made in said office, shall be refunded and paid by said corporation on demand, in specie or its equivalent, except where special deposits are made, which shall be refunded and paid as agreed upon. And, provided also, That it shall not be lawful for said corporation, to issue or emit any bills of credit, or any bills payable to order or bearer, as a circulating medium of trade or exchange, nor in any manner engage in the business or operation of banking, otherwise than in the purchase and sale of bank stock as aforesaid.

SEC. 4. That in all cases where said company shall refuse to pay deposits made in said office, on demand, the amount of the same shall be recovered by motion or suit in any court of competent jurisdiction, ten days previous notice of said motion if before the circuit court, and three days notice if before a justice of the peace, having been given; and upon judgments rendered therein, and upon all other judgments against said corporation for deposits, there shall be allowed ten per cent. damages, and interest after the rate of six per centum per annum, from the date of such legal demand, and upon which judgments there shall be no stay of execution. Upon any judgment against said corporation if the amount cannot be made out of the joint property of the corporation, then each stockholder in his individual character, [capacity,] shall be responsible for all demands against the corporation which accrued during the time he or they were such stockholders.

SEC. 5. That it shall be sufficient service or process on the corporation hereby created, to execute the writ or notice on the president or secretary, and a majority of the directors, for the time being; and such service shall authorize judgment on proceedings by default, against the corporation, without appearance or plea by the corporation, in the same manner that judgments or proceeding are taken by default by individual per-

sons on the execution of process.

Sec. 6. That the real and personal estate, business property, funds and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction, and control of a board of seven directors, who shall be resident citizens and stockholders of the state of Indiana, and after the first election they shall be elected by the stockholders, on the second Monday of May annually, at such time of day and at such place in the town o' Bloomfield, as said directors for the time being shall direct; they shall hold their offices for the term of one year and until their successors are chosen; and notice of each election shall be published for three weeks next preceeding the same, in a newspaper printed in said town, (if any be printed therein,) if not, then in the nearest public newspaper thereto; and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose; and at every such election, and all other meetings of the stockholders held under the provisions of this act, each shall be entitled to one vote for each share: Provided, That no stockholder shall at any time be entitled to more than twenty-five votes, and any stockholder not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting; and in case it should happen that an election of directors should not be made on any days when by this act it ought to have been made, it shall and may be lawful for said company to make an election for directors on any other day, in such manner as may be provided for by the by-laws and ordinances of said corporation.

SEC. 7. That the directors duly chosen under the provisions of this act, shall, as soon as may be after the first, and every annual election, elect

from their own body, a president who shall preside in the board until the next annual election, and in case of his death, resignation or absence, the board shall appoint a president pro tempore; they shall fill all the vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary and all subordinate officers, clerks, agents and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions and limitations not inconsistent with the provisions of this act and the by-laws, rules and ordinances of said company, as the directors for the time being shall prescribe; they shall make such by-laws, rules and regulations for their own government, and for the management and disposition of the stock, property, estate, funds and business of said company, and all matters referring thereto, as shall be needful and proper, not contrary to the provisions of this act, and the by laws, rules, ordinances and regulations adopted at any regular meeting or meetings of the stockholders; they shall hold stated meetings, agreeably to their own regulations, and at such times as the president thereof for the time being, shall order and direct; and a majority of the whole number shall constitute a quorum and be competent to the transactions of business within the scope of their powers, and connected with their duty; and all questions before the board shall be decided viva voce by a majority of the directors present, any two of whom may require the yeas and nays to be taken on any proposition submitted and entered on the journal of their proceedings, and no vote shall be reconsidered by a less number than were present and voting when the original vote was taken; they shall in the first week of January and July annually, make and declare such dividends of the profits resulting from their business, as shall not impair or in any wise lessen the capital stock of the same, and cause the same to be paid to the several stockholders: Provided, That no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment thereof.

Sec. 8. That all policies of insurance which may be made or entered into by said corporation, shall be subscribed by the president, or president pro tempore, or by such other officer as shall be designated for that purpose by its by laws and attested by the secretary, and being so signed and attested, shall be binding and obligatory on the said corporation, without the seal of thereof according to the true intent and meaning thereof and all such policies or contracts may be entered into and so signed and attested and the business of the corporation may be carried on without the presence of the board of directors by the president and secretary subject nevertheless to the by laws, rules, ordinances and regulations established by the board of directors. It shall be the duty of the secretary at every annual election or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition

and affairs of said company.

SEC. 9. That the stock of said companies shall be assignable and transferrable on the books of the same or otherwise, according to such rules and by laws and subject to such restrictions and limitations, as

may be established by the directors, and all such stock shall be held and

considered as personal property.

SEC. 10. That any number of stock-holders, who shall at the time be the owners of one tenth part of the stock sold, shall have power to call a general meeting of the stock-holders by giving two weeks notice in the newspaper printed in said town, of the time and place of such meeting, and the stock-holders present in person or by proxy, at any such meeting, shall decide all questions proposed for consideration, by a plurality of votes, and may make and prescribe such by-laws, rules, ordinances and regulations as to them shall appear needful and proper, in relation to the management and affairs of the company, or for the government and directors of the officers thereof.

SEC. 11. That books for the subscription to the capital stock of said company shall be opened in the town of Bloomfield, by and under the direction of John Inman, Marcus Shryer, Warden T. Wright, Andrew Dowing, William M. Norris, William Freeland and Levi Fellows, who are hereby appointed commissioners for that purpose, whose duty it shall be or any three of them, to give notice of the time and place of opening books for subscriptions, in the newspaper printed in said town; and it shall be lawful for any individual, company or body corporate, to subscribe for any number of shares, and such individual, company or body corporate, shall at the time of subscribing, pay to the said commissioners, one dollar on each share so subscribed; and it shall be the duty of said commissioners, as soon as two hundred shares are subscribed, to give two weeks notice in some newspaper printed in said town, or if there be no such paper printed in said town, then in the nearest newspaper printed thereto, of the time and place for the stock holders to meet and elect the first board of seven directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the board of directors thus elected, shall constitute the first board, and shall continue in office until the next annual election.

SEC. 12. As soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to the said board of directors all moneys that may be in their hands belonging to the company, and deliver over to them, all books and papers belonging to the same; and it shall be the duty of said directors before they proceed to make any policies of insurances, to demand and receive of each stockholder, the full amount of stock by them respectively subscribed, which payment shall be made either in cash, or secured to be made, by giving real or personal secury to the satisfaction of the directors; and if any stockholder shall fail to make such payment or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company the amount of such stock at the time of subscribing: Provided, That the said corporation shall not commence business or grant any policies of insurance until four hundred shares are subscribed and paid for, or secured to be paid for as aforesaid, it being one-tenth of the capital stock; all the remaining balance of the stock shall be offered for sale at such time and place, and on such terms, as the directors for the time being may from time to time direct,

SEC. 13. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insurances, on any kind of property, real or personal, against loss or damage by fire, or any other cause or risk on any goods, merchandise or produce, whether on the land or on the water, on any vessels or boats whatever, and wherever they may be on life or lives, or shall lend any money on botomry and respondentia, or shall become the under-writer on any foreign or domestic bill of exchange, bond, note or obligation, it shall be lawful to charge such rate of premium or interest as may be agreed upon by the parties.

Sec. 14. That whenever any property real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or vendors to a sign such policy to the vendee or vendees of such property, and such assignee or assignees shall have the full benefit thereof: Provided, That before any loss happens, notice shall be given said company of such assignment: And provided, That said company when so notified, shall be at liberty to return a ratable

proportion of the premium, and thereupon be exonerated.

Sec. 15. That whenever said corporation shall be notified of any loss, sustained or incurred on any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost or incurred on any policy within sixty days after being so notified: Provided, There shall have been no violation of the condition of the policy on the the part of the insured; and on all judgments obtained by or against said corporation, there shall be no stay of execution, except on judgments for money loaned and on discounted promissory notes, there shall be allowed the same stay of execution, as is now, or may hereafter be allowed by law in other cases.

Sec. 16. The stockholders may, at any regular meeting either increase or diminish the number of directors; *Provided*, That there shall never

be more than thirteen nor less than five.

Sec. 17. This act to be in force from and after its passage and publication in the Olive Branch, a newspaper published in the town of Bloomfield, and shall be taken to be a public act and shall be construed favorably for every beneficial purpose,

CHAPTER LXXVII.

nearly transfer and things controlled by the first and property bear a their presents

An Act to incorporate the Delphi Insurance Company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana That there shall be, and hereby is established in the town of Delphi, an Insurance Company, with a capital stock of two hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for

by individuals, companies or corporations, in manner bereinafter specified; which stock holders and subscribers, and their successors, shall be and hereby are created a body politic and corporate, with perpetual succession, by the name and style of "the Delphi Insurance Company," for the period of fifty years, from and after the passage of this law; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debt, which may become due, and owing to the same. or in satisfaction of any judgment of any court of law or any order or decree of any court of equity, in their favor; and may have and use a common seal, and the same altar, change, break or renew at bleasure; and may also make, ordain, establish and put in execution, such by laws, ordinances, rules and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: Provided, that no by-laws, ordinances, rules, or regulations of said company, shall in any wise be contrary to the constitution and laws of this state, or of the United States: And provided also, that said company, shall not own or hold at any one time, by legal title. a greater amount of real estate, than shall be of the value of two hundred thousand dollars.

SEC. 2. That said corporation shall have power and lawful authority, to insure all kinds of property, against loss or damage by fire, or any other cause or risk, to make all kinds of insurance against loss or damage on goods, merchandise and produce in the course of transportation or otherwise, whether on the land or on the water, and any vessels or boats, wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry or respondentia, to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maratime or other risk, upon the interest which they may have in any vessel, boat, goods, merchandise or other property, by means of any loan or loans which they make on mortgage. bottomry and respondentia, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

Sec. 3. That it shall be lawful for said company to invest any part of their capital, stock, money, funds, or other property, [in] stocks or funded deats, created or to be created, by or under any law of the United States, or of this or any other particular State, or in the stock of any chartered bank of this State or of the United States or any branch thereof, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof, in such stocks or funds, whenever and as often as the exigencies of said corporation, or a due regard to the safety of its funds may require, or they may loan the same or any part thereof to individuals or corporations, and upon such terms as the directors thereof for

the time being, shall deem prudent and best for the interest of said com pany: that the office of "The Delphi Insurance Company," be, and the same is hereby made an office of discount and deposit, and are hereby authorized to deal in exchange, and the discount of promissory notes, and to receive cash and bank bills of any incorporated bank on deposit, for such time and on such interest, as may be agreed on, and to discount or loan the same upon such terms, and upon such rate of interest as may be agreed upon between said company and the person or persons, company or corporation discounting or borrowing the same not exceeding the rate of interest individuals are allowed by law to receive: Provided, however, that all deposits made in said office, shall be refunded and paid by said corporation, on demand, in specie or its equivalent, except where special deposits are made, which shall be refunded and paid as agreed upon: And provided also, that it shall not be lawful tor said corporation to issue or emit any bills of credit, or any bills payable to order or bearer, as a circulating medium of trade or exchange, nor in any manner engage in the business or operation of banking, otherwise than in the purchase and sale of bank stock as aforesaid.

SEC. 4. That in all cases where said company shall refuse to pay, deposits made in said office, on demand, the amount of the same shall be recovered by motion or suit in any court of competent jurisdiction ten days previous notice of said motion if before the circuit court, and three days notice, if before a justice of the peace, having been given; and upon judgments rendered therein, and upon all other judgments against said corporation for deposits, shall be allowed ten per cent. damages, and interest after the rate of six per centum per annum, from the date of such legal demand, and upon which judgments there shall be no stay of exe-

SEC. 5. That it shall be sufficient service of process on the corporation hereby created to execute the writ or notice on the president or secretary and a majority of the directors for the time being, and such service shall authorise judgment on proceedings by default, against the corporation without appearance or plea by the corporation, in the same manner that judgments or proceedings are taken by default against individual persons, on the execution of process.

SEC. 6. That the real and personal estate, business, property, funds and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction and control of a board of nine directors, who shall be stockholders and citizens of the State of Indiana, and after the first election they shall be elected by the stockholders, on the second Monday in October annually, at such time of day, and at such place in the town of Delphi, as said directors, for the time being shall direct. They shall hold their offices for the term of one year, and until their successors shall be chosen, and notice of such election shall be advertised and published for three weeks next preceeding the same, in a newspaper in said town, and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose; and at every such

election, and all other meetings of the stockholders held under the provisions of this act, each shall be entitled to one vote for each share: Provided that no stockholder shall be entitled at any time to more than twenty-five votes, and any stockholders not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy, being granted to a stockholder present at such meeting, and in case it should happen, that an election of directors should not be made on any day when by this act it ought to have been made, it shall be lawful for said company, to make an election for directors on any other day, in such manner as may be provided for by the by-laws and or-

dinances of said corporation.

SEC. 7. That the directors duly chosen under the provisions of this act, shall as soon as may be after the first and every annual election, elect from their own body, a president, who shall preside in the board until the next annual election, and in case of his death, resignation or absence, the board shall appoint a president pro tempore, they shall fill all vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary and all subordinate officers, clerks, agents and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions and limitations, not inconsistent with the provisions of this act and the bylaws, rules and ordinances of said company, as the directors for the time being shall prescribe; they shall make such by-laws, rules and regulations for their own government, and for the management and disposition of the stock, property, estate, funds and business of said company, and all matters referring thereto, as shall be needful and proper, not contrary to the provisions of this act, and the by-laws, rules, ordinances and regulalations adopted at any regular meeting or meetings of the stockholders; they shall hold stated meetings, agreeably to their own regulations, and at such times as the president thereof, for the time being, shall order and direct; and a majority of the whole number shall constitute a quorum, and be competent to the transaction of business within the scope of their powers, and connected with their duty; and all questions before the board shall be decided viva voce by a majority of the directors present, any two of whom may require the yeas and nays to be taken on any proposition submitted, and entered in the journal of their proceedings, and no vote shall be rescinded by a less number than were voting when the original vote was taken. They shall in the first week in January and July annually, make and declare such dividends of the profits resulting from their business, as shall not impair or in any wise lessen the capital stock of the same, and cause the same to be paid to the several stockholders: Provided, that no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment thereof.

SEC. 8. That all policies of insurance, which may be made or entered into by said corporation, shall be subscribed by the president, or president pro tempore, or by such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary; and being so signed

and attested, shall be binding and obligatory on the said corporation, without the seal thereof; according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors, by the president and secretary, subject nevertheless to the by-laws, rules, ordinances and regulations established by the board of directors. It shall be the duty of the secretary at every annual election or other general meeting of the stockholders, to lay before them a co-rect and particular statement of the condition and affairs of said company.

SEC. 9. That the stock of said company shall be assignable and transferable, on the books of the same or otherwise, according to such rules and by laws, and subject to such restrictions and limitations, as may be established by the directors; and all such stock shall be held and considered as

personal property.

SEC. 10. That any number of stockholders, who shall at the time be the owners of one tenth part of the stock sold, shall have power to call a general meeting of the stockholders, by giving two weeks notice in some newspaper printed in said town, of the time and place of such meeting, the stockholders present in person or by proxy, at any such meeting, shall decide all questions proposed for consideration, by a plurality of votes, and may make and prescribe such by laws, rules and regulations, as to them shall appear needful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof

SEC. 11. That books for the subscription to the capital stock of said company shall be opened in the town of Delphi, under the direction of Stephen G. Baker, Lewis Martin, James H. Stewart, James P. Dugan, George Merkle, Samuel Grimes, William Bolls, A. D. E. Tweed and Thomas Cole who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscription, in a newspaper printed in said town; and it shall be lawful for any individual, company, or body corporate, to subscribe for any number of shares; and such individual, company, or body corporate, shall at the time of subscribing, pay to the said commissioners, one dollar on each share so subscribed; and it shall be the duty of said commissioners, as soon as four hundred shares are subscribed, to give two weeks notice in some newspaper printed in said town, of the time and place for the stockholders to meet and elect the first board of nine directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the board of directors thus elected, shall constitute the first board, and shall continue in office until the next annual election.

SEC. 12. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to said board of directors, all moneys that may be in their hands belonging to said company, and deliver over to them, all books and papers belonging to the same; and it shall be the duty of the directors, before they proceed to make any policies of insurance, to demand and receive of each stockhol-

der, the full amount of the stock by them respectively subscribed, which payment shall be made either in cash, or secured to be made, by giving real or personal security to the satisfaction of the directors: and if any stockholder shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company, the amount paid on such stock at the time of subscribing: Provided, that the said corporation shall not commence business, or grant any policies of insurance, until four hundred shares are subscribed and paid for, or secured to be paid as aforesaid, it being one tenth of the capital stock; all the remaining balance of the stock shall be offered for sale, at such time and place, and on such terms, as the directors for the time being may from time to time, direct.

SEC. 13. That when said corporation shall have commenced business as aforesaid and shall grant any policy or policies of insurance, on any kind of property, real or personal, against loss or damage by fire, or any other cause, or risk on any goods, merchandize or produce, whether on the land or on the water, on any vessel or boats whatever and wherever they may be, on life or lives, or shall lend any money on bottomry or respondentia, or shall become the underwriter of any foreign or domestic bill of exchange, bond, note or obligation, it shall be lawful to charge such rate of premium or interest as may be agreed upon by the parties.

SEC. 14. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or vendors to assign such policy to the vendee or vendees of such property, and such assignee or assignees shall have the full benefit thereof; Provided, that before any loss happens, notice shall be given said company, of said assignment. And provided, that said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

Sec. 15. That whenever said corporation shall be notified of any loss, sustained or incurred on any policy of insurance, granted or issued by the same, it shall be the duty of said corporation, to pay the amount so lost or incurred on such policy, within sixty days after being so notified: Provided, there shall have been no violation of the condition of the policy on the part of the insured; and on all judgments obtained by said corporation, there shall be no stay of execution, except on judgments for money loaned, and on discounted promissory notes, upon which said judgment for money loaned, and discounted notes, there shall be allowed the same stay of execution, as is now, or may hereafter be allowed by law in other cases.

The stockholders may, at any regular meeting, either increase or diminish the number of directors; *Provided*, that there never shall be more than thirteen nor less than five.

SEC. 16. That in all cases where execution shall issue against said corporation, the same shall be first levied on the goods, chattles, lands and tenements, belonging to said corporation as its joint property, and on a return on such execution of no property found, or not a sufficiency of property to satisfy said execution, then and in that case the individual property of each of the corporators who are or were stockholders at the time of

the debt, demand, or liability, accrued, shall be held for said debt. But no execution shall issue against any stockholder in their individual capacity, until scire factas shall be issued against and served upon them to appear and show cause if any they can, why execution shall not go against them; and upon such trial the stockholder may be permitted to plead that he was not a stockholder at the time of contracting such debts, demands or liability, or that the corporation was not liable for said debts or any cause of legal defence.

This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose.

CHAPTER LXXIV.

An Act to incorporate the Mount Vernon Insurance Company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be, and hereby is established in the town of Mount Vernon, in the county of Posey, an insurance company, with a capital stock of fifty thousand dollars, which may at any time at the discretion of the directors be increased to any sum not exceeding two hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies or corporations in manner hereinafter specified; which stockholders and subscribers and their successors, shall be and hereby are created a body politic and corporate, with perpetual succession, by the name and style of the "Mount Vernon Insurance Company," for the period of fifty years from and after the passage of this law; and by that name shall be competent to contract and be contracted with, and to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debt, which may become due, and owing to the same, or in satisfaction of any judgment of any court of law or any order or decree of any court of equity, in their favor; and may have and use a common seal, and the same alter, change, break or renew at pleasure; and may also make, ordain, establish and put in execution, such by laws, ordinances, rules and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: Provided, That no by-laws, ordinances, rules or regulations of said company, shall in any wise be contrary to the constitution and laws of this State or of the United States. And, provided also, That said company shall not own or hold at any one time, by legal title a greater amount of real estate, than the capital stock of said

company.

SEC. 2. The said corporation shall have full power and lawful authority, to ensure all kinds of property, against loss or damage by hre, or any other cause or risk, to make all kinds of insurance against the loss or damage on goods, merchandize or produce, in the course of transportation or otherwise, whether on the land or on the water, and on any vessel or boats, wherever they may be, to make all kinds of insurance uponlife or lives, to lend money on bottomry or respondentia, to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk upon the interest which they may have in any vessel, boats, goods, merchandize or other property, by means of any loan or loans which they may make on mortgage, bottomry or respondentia, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

SEC. 3. That it shall be lawful for said company to invest any part of their capital, stock, money, funds or other property, in stocks or funded debts, created or to be created, by or under any law of the United States, or of this or any other particular state, or in the stock of any bank of this State or of the United States or any branch thereof; and the same to sell and transfer at pleasure, and again to invest the same or any part. thereof, in such stock or funds, whenever and as often as the exigencies of said corporation, or a due regard to the safety of its funds may require, or they may loan the same or any part thereof to individuals or corporations, and upon such terms as the directors thereof for the time being shall deem prudent and best for the interest of said company: that the office of "The Mount Vernon Insurance Company," be, and the same is hereby made an office of discount and deposit, and are hereby authorized to deal in exchange and the discount of promissory notes, and to receive cash and the bank bills of any incorporated bank on deposit, for such time and on such interest as may be agreed on, and to discount or loan the same, upon such time and on such interest, as may be agreed on: Provided, however, That all deposits made in said office, shall be refunded and paid by said corporation, on demand, in specie or its equivalent; except where special deposits are made, which shall be refunded and paid as agreed upon: And, provided also, That it shall not be lawful for said coporation, to issue or emit any bills of credit or any bills payable to order or bearer as a circulating medium of trade or exchange, nor in any manner engage in the business or operation of banking, otherwise than as aforesaid: And, provided further, That in the discount of notes and lending money, the said company shall not be allowed to increase or charge a rate of interest for the forbearance of any money so discounted or loaned, greater than what is allowed by the laws of the land, to be charged by individuals at the time of making such contracts.

SEC. 4. That in all cases where said company shall refuse to pay deposits made in said office, on demand, the amount of the same shall be recovered by motion or suit in any court of competent jurisdiction, ten days previous notice of said motion, if before the circuit court, and three days notice if before a justice of the peace, having been given, and upon judgments rendered therein, and upon all other judgments against said corporation, for deposits, shall be allowed ten per cent. damages, and interest after the rate of six per cent. per annum, from the date of such legal demand, and upon such judgments there shall be no stay of execution.

SEC. 5. That it shall be sufficient service of process on the corporation hereby created, to execute a writ or notice on the president or secretary, and such service shall authorize judgment on proceedings by default, against the corporation, in the same manner that judgments are taken by default against individual persons, on the execution of process.

Sec. 6. That the real and personal estate, business, property funds and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction and control of a board of nine directors who shall be stockholders, and citizens of the state of Indiana, and after the first election, they shall be elected by the stockholders on the second Thursday in October annually, at such time of day and at such place in the town of Mount Vernon as the directors for the time being shall direct, they shall hold their offices for the term of one year and until their successors shall be chosen; and notice of such election shall be advertised and published for three weeks next preceding the same, in a newspaper in said town, or if none, in some other newspaper, or by written advertisements put up in three of the most public places in said town of Mount Vernon, and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders not directors at the time, to be previously appointed by the board of directors for that purpose; and at every such election, and all other meetings of the stockholders held under the provisions of this act, each shall be entitled to one vote for each share: Provided. That no stockholder shall be entitled at any time to more than twentyfive votes, and any stockholder not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such meeting; and in case it should so happen, that an election of directors should not be made on any day, when by this act it ought to have been made, it shall and may be lawful for said company, to make an election for directors on any other day, in such manner as may be provided for by the by laws and ordinances of said corporation.

SEC. 7. That the directors duly chosen under the provisions of this act, shall, as soon as may be after the first, and every annual election, elect from their own body, a president, who shall preside in the board until the next annual election, and in case of his death, resignation or absence, the board shall appoint a president pro tempore, they shall fill all vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary and all subordinate officers, clerks, agents and servants of said corporation, fix their compensation, define their powers and prescribe their duties, who shall hold their several offi-

ces during the pleasure of the board, under such regulations, restrictions and limitations not inconsistent with the provisions of this act and the bylaws, rules and ordinances of said company, as the directors for the time being shall prescribe; they shall make such by-laws, rules, and regulations for their own government, and for the management and disposition of the stock, property, estate, funds and business of said company, and all matters referring thereto as shall be needful and proper, not contrary to the provisions of this act, and the by-laws, rules, ordinances adopted at any regular meetings of the stockholders; they shall hold stated meetings, agreeably to their own regulations, and at such times as the president thereof, for the time being, shall order and direct; and a majority of the whole number shall constitute a quorum, and be competent to the transaction of busines within the scope of their powers, and connected with their duty, and all questions before the board shall be decided viva voce. by a majority of the directors present, any two of whom may require the yeas and nays to be be taken on any proposition submitted, and entered in the journal of their proceedings, and no vote shall be rescinded by a less number than were [present and] voting when the original vote was taken. They shall, in the first week in January and July annually, make and declare such dividends of profits resulting from their business as shall not impair or in any wise lessen the capital stock of the same and cause the same to be paid to the several stockholders: Provided, that no such dividend shall be paid on any stock that has not been fully paid, but shall be passed to the credit of such stock as part payment thereof.

SEC. 8. That all policies of insurance which may be made or entered into by corporation, shall be subscribed by the president, or president pro tempore, or by such other officers as shall be designated for that purpose by its by-laws and attested by the secretary, and being so signed and attested, shall be binding and obligatory on the said corporation, without the seal thereof, according to the true intent and meaning thereof, and all such policies or contracts may be entered into and so signed and attested and the business of each corporation may be carried on without the presence of the board of directors, by the president and secretary; subject, nevertheless to the by-laws, rules, ordinances and regulations established by the board of directors. It shall be the duty of the secretary at every annual election or other general meeting of the stockholders to lay before them a correct and particular statement of the

condition and affairs of said company.

Sec. 9. That the stock of said company shall be assignable and transferable on the books of the same or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations as may be established by the directors, and all such stock shall be held and considered

as personal property.

Sec. 10. That any number of stockholders, who shall at the time be the owners of one tenth part of the stock sold, shall have power to call a general meeting of the stockholders, by giving two weeks notice in some newspaper printed in said town of Mount Vernon, or if no newspaper be printed there at the time in some other newspaper, or by written advertisements placed in three of the most public places in said town, of the

time and place of such meeting, and the stockholders present in person or hy proxy, at any such meeting, shall decide all questions proposed for consideration, by a plurality of votes, and may make and prescribe such by-laws, ordinances, rules and regulations as to them shall appear needful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof.

SEC. 11. That books for the subscription to the capital stock of said company shall be opened in the town of Mount Vernon, by and under the direction of William E. Stewart, Enoch R. James, Darius North, R. Barter, William Furguson, Felix Mills, William J. Lowry, G. W. L. White and D. H. Murphy, who are hereby appointed commissioners for that purpose, whose duty it shall be or any three of them, to give notice of the time and place of opening books for subscriptions, in the manner prescribed in the tenth section of this act; and it shall be lawful for any individual, company or body corporate, to subscribe for any number of shares, and such individual, company or body corporate, shall at the time of subscribing, pay to the said commissioners, one dollar on each share so subscribed; and it shall be the duty of said commissioners, as soon as two hundred shares are subscribed, to give two weeks notice in the manner herein before prescribed, of the time and place for the stockholders to meet and elect the first board of nine directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the board of directors thus elected, shall constitute the first board, and shall continue in office until the next annual election.

SEC. 12. That so soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to the said board of directors all moneys that may be in their hands belonging to said company, and deliver over to them, all books and papers belonging to the same; and it shall be the duty of said directors before they proceed to make any policies of insurances, to demand and receive of each stockholder, the full amount of stock by them respectively subscribed, which payment shall be made either in cash, or secured to be made, by giving real or personal secury to the satisfaction of the directors; and if any stockholder shall fail to make such payment or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company the amount of such stock at the time of subscribing: Provided, That the said corporation shall not commence business or grant any policies of insurance until two hundred shares are subscribed and paid for, or secured to be paid for as aforesaid; all the remaining balance of the stock shall be offered for sale at such time and place, and on such terms, as the directors for the time being may from time to time direct.

SEC. 13. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insurances, on any kind of property, real or personal, against loss or damage by fire, or any other causes or risk on any goods, merchandise or produce, whether on the land or on the water, on any vessels or boats whatever, and wherever they may be, on life or lives, or shall lend any money on bottomry and respondentia, or shall become the under-writer on any foreign or domes-

27

tic bill of exchange, bond, note or obligation, it shall be lawful to charge such rate of premium or interest as may be agreed upon by the parties.

SEC. 14. That whenever any property real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or vendors to a sign such policy to the vendee or vendees of such property, and such assignee or assignees shall have the full benefit thereof: Provided, That before any loss happens, notice shall be given said company of such assignment: And provided, That said company when so notified, shall be at liberty to return a ratable

proportion of the premium, and thereupon be exonerated.

SEC. 15. That whenever said corporation shall be notified of any loss, sustained or incurred on any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost or incurred on any policy within sixty days after being so notified: Provided, There shall have been no violation of the condition of the policy on the the part of the insured; and on all judgments obtained by or against said corporation, there shall be no stay of execution, except on judgments for money loaned and on discounted promissory notes, upon which said judgment for money loaned and discounted notes, there shall be allowed the same stay of execution, as is now, or may hereafter be allowed by law in other cases.

The stockholders may, at any regular meeting either increase or diminish the number of directors; Provided, That there shall never be more

than thirteen nor less than five.

SEC. 16. That the individuals named in the 11th section of this act shall be the directors of said corporation until others are appointed or

elected under the provisions of this charter.

SEC. 17. In case of insolvency or insufficiency of the effects of the company to pay the debts against the same, the stockholders shall be liable in equity out of their own individual estates in proportion to their respective stocks owned by them, or any of them at the time such liability may have accrued; and the benefits, rights, credits and effects, of the proceedings against them, or upon a return of nothing found on an execution of a judgment against the company, the judgment creditors in such case, may have scire facias or summons, on plaint filed against the stockholders, to answer the plaintiff the amount of the judgment out of the individual estates of the stockholders, in the same equitable proportion as aforesaid, and no misjoinder, nonjoinder or surjoinder of the defendants in either case shall affect the proceedings, but the same may be amended on motion or suggestion at any time before final judgment or decree.

SEC. 18. This act shall be in force from and after its passage and shall be taken to be a public act and shall be liberally construed for all benefi-

remed to do in it was no country and the second land to be

cial purposes.

CHAPTER LXXV.

An act to incorporate the Mayor and Common Council of the town of Lafayette.

(APPROVED, FEBRUARY 6, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Loyal Fairman, John McCormick, Thomas T. Benbridge, Isaac F. Pasegate, John S. Pifer, Joseph Goldsberry, Robert Heath, Lyman Beman and Harvey Ward and their successors in office shall be, and they are hereby constituted and declared to be a body corporate and politic by the name and style of "The Mayor and Common Council of the Town of Lafayette," and by said corporate name shall be forever able and capable in law and equity to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered unto, defend and be defended in all manner of suits, actions plaints, pleas, causes, matters and demands of whatsoever kind or nature they may be, in as full and effectual a manner as any person or persons, body corporate or politic, may or can do, to make and use a common seal and the same to alter, break, change or renew at pleasure, and shall have all the incidental powers necessary to carry into effect the provisions of this act, and the objects herein contemplated, not inconsistent with the laws and constitution of this State or of the United States.

SEC. 2. The corporate limits of said town shall include all the territory extending for one half mile in each direction from the centre of the court house in the town of Lafayette, in Tippecanoe county, inclusive, and all additions which are now or may hereafter be laid off to said town, by whatever name they may be called, though at a greater distance than half a mile from said court house, shall now or so soon as laid off constitute a part of said corporate town. The said mayor and common council shall have power, from time to time to lay off said corporate territory, into such number of wards, as may be convenient; and on the first Monday in May next, and annually thereafter, there shall be an election held at some convenient place in each ward, to be designated by the corporate authority of said town, to elect by ballot, a mayor and common council for said town, the electors of each ward voting for a mayor, a resident of the said town, and for such number of common council-men, resident in such ward as the mayor and common council may prescribe, at which election, each voter having the qualifications necessary to vote for State officers, who shall have resided for six months next preceding such election within the corporate limits of said town, shall be entitled to vote; ten days previous notice of which election shall be given by publication to be made in such manner as the mayor and common council may direct. The election shall be conducted by an inspector, in each ward, having the qualifications of a voter therein, to be previously appointed by the mayor and common council, which inspector shall select two qualified voters of his ward to act with him as judges of such election; they shall appoint a clerk, and having taken an oath or affirmation, which

oath or affirmation may be administered by said inspector, to said judges and clerks and by one of said judges to said inspector, faithfully to discharge their respective duties as judges and clerks, shall proceed to receive votes as aforesaid, between the hours of ten o'clock A. M. and four o'clock, P. M. on said day. The judges shall determine the qualifications of voters, for which purpose the inspectors may administer to the voter the necessary oath. If no inspector shall be present at the hour for opening such election, the voters present shall elect one viva voce, to act as inspector in manner aforesaid. It shall be the duty of said judges in their several wards, to certify in words at full length within three days after such election, to the Mayor and Common Council, under their hands, the names of all the persons voted for as Mayor, with the number of votes they respectively received, and the names of the persons (to the number to be elected,) receiving the higest number of votes for Common Councilmen, which certificate shall be filed and spread at full length upon the records of said corporation, and the persons receiving the highest aggregate number [of] votes for Mayor in all the wards of said town, shall be deemed to be legally elected to said office, and the persons so certified by the judges as having received the highest number of votes, for common councilmen, shall be deemed duly elected for the term next to ensue, and shall receive from the clerk of the corporation a certificate of their election. In case there should be a tie between any persons at said elections, the result shall be determined by lot, to be drawn by the judges in their several wards, in case of common councilmen; and by the mayor and common council in the case of mayor. No person shall be competent to be elected mayor unless he be at the time a qualified voter of the ward for which he is elected. When a mayor is elected as aforesaid, the clerk of the corporation shall certify the fact to the clerk of the circuit court of Tippecanoe county, who shall immediately forward a certified copy of the same to the office of the Secretary of State.

SEC, 3. The term of office for the persons named in the first section of this act, shall continue until their successors are appointed at the first election as above provided for and qualified. They shall elect one of their number to serve as mayor, and their successors shall respectively serve, the mayor for the term of two years, and the members of the common council for one year from the time of their election, and until a quorum of their successors are elected and qualified. A failure to elect a mayor and common council at any annual election, shall not dissolve the corporation, but the persons then in office shall continue until an annual election happens. The members of the common council before entering upon their duties shall take an oath or affirmation, faithfully, diligently and impartially to discharge their respective duties; and the mayor shall take a similar oath, and to support the constitution of the United States and the constitution of the state of Indiana, a certificate of which oath shall be filed and recorded by said corporation, and in the case of the mayor, with the clerk of the circuit court of said county. The mayor shall preside at all meetings of the board, or in case of absence, a president pro tempore may be elected. When vacancies happen either in the office of the mayor or common councilmen, by death, resignation, removal, refusal to

qualify or otherwise, such vacancy may be filled by the appointment of the remainder of the board. A removal of residence from the corporate limits of the town, shall be deemed to vacate the office of mayor or common councilman. A majority of said board shall at all times form a quorum; they shall meet on their own adjournments or by the appointment of the mayor, or any three of the common councilmen, in cases of emergency. They shall appoint a clerk, marshal and all other officers and servants necessary to carry into effect the powers conferred by this charter, who shall be subject to the rules prescribed by the corporation, and hold their offices during the pleasure of the mayor and common council.

SEC. 4. The mayor and common council shall have power, to ordain, order, establish and put in execution, such by-laws, ordinances and regulations, as to them may seem necessary for the good government and police of said town, not inconsistent with the laws of the United States or of this state; to keep in repair and remove any obstructions in the streets. alleys, public square, and commons in said town; to declare what shall be deemed nuisances, and to prevent and remove the same, for which purpose their jurisdiction shall extend for one mile in each direction from said court house; to regulate fire companies, to restrain and prohibit gambling, breaches of the peace, or any disorderly conduct, to establish and regulate market houses and markets, to sink and keep in repair public wells; to establish the grade of streets; to construct docks, piles, basins and wharves, and to regulate the manner of payment and collection of wharfage; to make all necessary quarantines or other regulations for the preservation of the public health; to possess and regulate a public burying ground, within or beyond the corporate limits of said town, to regulate the mode of interment therein, and to enact such laws and regulations. and exercise such powers as may be necessary to carry into effect the objects herein contemplated, or as are usually exercised by similar corporations. They shall keep a journal of all their proceedings which shall be signed by the mayor, or president pro tempore, and attested by the clerk; on the decision of any question, the ayes and noes may be demanded by any two members, and shall be recorded; and a majority of all the members of the common council present shall be necessary to determine any question.

Sec. 5. Upon any question to be decided by said board in its corporate capacity, the mayor shall have no vote. No ordinance or by-law of a public nature, shall take effect until a copy thereof attested by the signatures of the mayor and clerk, shall have been published two weeks successively in one of the public newspapers of said town; or by being posted (up) ten days, in one public place in each of the wards of said town, the fact of which publication having been entered upon the records of said corporation, shall be prima facie evidence in all courts and elsewhere, that such publication was made. All ordinances and by-laws of a private nature shall be in force from their passage, or from such determinate period as such ordinance or by law may prescribe, without publication. It shall not be necessary to authenticate any ordinance or by-law under the seal of the corporation, and the existence of any such ordinance or by-law or of any other act, or order of said corporation, may be proved

by a written copy thereof taken from the records of the corporation, certified by the mayor, and attested by the clerk, under the corporate seal.

SEC. 6. The said mayor and common council shall have full power and authority to assess and cause to be collected, from each male inhabitant of said town, of full age, sane and not a pauper, each year a poll tax; on real and personal property, of any and every description, and also a tax on any business, trade or occupation or profession, on all shows, exhibitions, and amusements which may be exhibited or performed for gain, a tax for each performance or for any determinate period, and to provide for the collection of such taxes, by distress and sale of the property liable to such taxation or belonging to the person so taxed, in such manner as the said corporation may order or direct, but no lands shall be sold for the taxes due thereon, except in the manner hereinafter authorized. They shall have power at any time to provide for the assessing and collecting in manner aforesaid, special taxes for the pavement or improvement of any street, sidewalk, or section thereof; or of any public wharf, landing, basin or harbor, or any other improvement contemplated by this act, to be levied and collected in proper proportions upon the person or property especially benefitted by such improvement; which taxes shall be collected and applied to the proper purposes, by the corporation in the first instance. or if the corporation shall so determine, not until default has been made the owner or occupant of the property, so to be benefitted in the making of his proper proportion of such improvement, having been thereto reasonably notified by said corporation.

Sec. 7. Taxes so as aforesaid assessed, upon real estate by said corporation, shall constitute a lien on such real estate, until paid, having preference of all other liens or claims of whatsoever age, except the claim of the state or county thereon for taxes, or a lien accruing by a prior mortgage to the state, and in default of the payment of such taxes when due, the said corporation shall have power and authority, by their proper officer, to seize said lot or parcel of land, and after having given notice thereof by advertisement in a newspaper printed and published in said town thirty days prior thereto, shall proceed to expose to sale at the court house in said town, the lots or parcels of land so seized as aforesaid, or so much thereof, (by such division as the said collecting officer may think just and right,) as will pay the taxes thereon, and the costs and charges of such seizure, notice and sale, at public auction to the highest and best bidders; and when any lot or tract of land or part thereof, shall be sold as aforesaid, the said collecting officer shall give to the purchaser a certificate in writing describing the same with specific certainty, the sum paid therefor and the time when the purchaser will be entitled to a deed for such lot or tract or part thereof, and if the owner or claimant of the lot or parcel of land described in such certificate, shall not within two years from the date thereof pay to the purchaser or his heirs or assigns or to the clerk of said corporation for the use of said purchaser his heirs or assigns, the sum mentioned in said certificate, together with interest thereon, at the rate of one hundred per centum per annum, together with such other taxes, costs and charges upon the tract of

land mentioned in said certificate, as may have accrued under the laws of this state, or the ordinances of said corporation, and all amount paid to the state upon such mortgage lien as aforesaid, if the same have been paid by the said purchaser, his heirs or assigns and vouchers of the payment thereof be deposited with said clerk or produced to such owner or claimants, the said collecting officer, or his successor, shall, after the expiration of the said two years, execute to the said purchaser, his heirs or assigns, in the name of the state of Indiana, a conveyance of the lot or parcel of land so sold as aforesaid, which conveyance shall not vest in the person to whom it is given an absolute estate in fee simple, subject to the claim of the state or county for all taxes, costs, charges and privileged mortgage lien as aforesaid, accrued upon such lot or tract of land and such conveyance shall be prima facie evidence that the sale was regular according to the provisions of this act and the ordinances of said corporation; and every such conveyance to be executed by such collecting officer or his successor and duly acknowledged before any officer authorized to take acknowledgments of conveyances, may be recorded and have like force and effect as other conveyances acknowledged and recorded.

SEC. 8. It shall be the duty of the mayor or common council once in each year to publish a statement of the receipts and expenditures of said corporation during the preceding year to be affixed to the court house door in said town, or published in a newspaper printed therein.

SEC. 9. The said mayor and common council and their successors shall be capable of holding by purchase, donation, devise or bequest, any amount, any personal or real property that may be thought advisable for the welfare or convenience of said town, not exceeding fifty thousand dollars and the same to dispose of in such manner as may seem most beneficial for the citizens of said town; to receive mortgages upon real estate or other security for the payment of money, and to contract for the borrowing of money and for the repayment of the same.

SEC. 10. All suits against said corporation shall be commenced by summons and the process shall be served on the mayor or any two of the members of the common council, and all actions against said corporation shall be local to the county of Tippecanoe: Provided, that the venue may be changed after the suit is commenced as in other cases and the justice of the peace of said county shall have jurisdiction in suits where said corporation is defendant, subject to the same restrictions and limitations as in case of natural persons. No appeal bond shall in case be required of said corporation.

Sec. 11. All contracts made by said corporation in pursuance of the ninth section of this act, shall be signed by the mayor and attested by the clerk, and have the seal of the corporation affixed; and all other contracts requiring the seal of said corporation, shall be signed by the same officer: Provided, that said corporation shall be liable in an action of assumpsit for work and labor done, or goods wares and merchandise sold and delivered in pursance of any order of said corporation.

Sec. 12. Whenever the owner or occupant of any real estate in said town shall feel aggrieved or injured by the construction of any work made

under the authority of said corporation he shall make out a complaint in writing particularly describing the injury of and interest of such complainant therein, and file the same with the clerk of the corporation and at their first regular meeting thereafter the said mayor and common council shall appoint three persons to assess and appraise the damages of the complainant and shall fix the time and place of their meeting who after being duly sworn impartially to discharge their duty shall thereafter make out their award in writing under the hands of them or a majority of them, and return the same to the said clerk within six days thereafter which award so made (if damages be assessed) shall constitute a charge against said corporation for which they shall be liable to such complainant in an action of debt: Provided, that either party may appeal from the award of the appraisers to the circuit court at any time within twenty days from the time it shall be so returned to the clerk, the decision of which court, in the premises, shall have the force and effect of a judgment at law. The penalty of the appeal bond when the appeal is taken by such complainant shall be fixed by the mayor.

SEC. 13. The said mayor and common council shall be capable of receiving and holding all property belonging to "the president and trustees of the town of Lafayette" and all contracts claims and rights existing in favor of the last named corporation shall enure to the benefit of and be assignable to the said mayor and common council and they shall be accountable for all liabilities now resting upon the said president and trustees of the town of Lafayette and so soon as the persons named in the first section of this act shall have elected a mayor and the said mayor and common council shall have been qualified into office the said corporation "the president and trustees of the town of Lafayette" shall be dissolved if they shall enter upon their journals a consent for such dissolution.

SEC. 14. For the better regulation of said corporation the said mayor and common council may pass such by laws, ordinances and rules, regulating their own conduct and imposing such penalties upon members for a breach of any of their rules and regulations as they may conceive conducive to the public good.

SEC. 15. The said mayor when such certificate as aforesaid is filled in the office of the secretary of state shall receive a commission from the Governor. He shall be and is hereby constituted and declared to be a judicial officer with power to administer oaths and hear and determine all penal and criminal causes arising within the limits of said corporate town which justices of the peace have jurisdiction to hear and determine and generally to do and perform in matters of a criminal nature arising within said towa, all these things which justices of the peace may do. He shall have jurisdiction in all suits brought by said corporation for any breach of their by laws or ordinances. He shall be a concervator of the peace within said town. For all violation of any ordinance or by-laws against breaches of the peace or misdemeanors, he is hereby authorized and required on complaint made on oath, or on view without complaint forthwith to issue his warrant and cause any person charged with a violation of such by laws or ordinances to be arrested and brought before him answer the said mayor and common council of the town of Lafayette

upon such charge and shall try the same if the penalty imposed by such by laws or ordinances do not exceed three dollars. If the penalty exceed three dollars he shall try the same unless the defedant demand a jury in which case he shall issue a venire and cause such jury to be summoned and empanneled to try the cause and shall thereupon proceed according to the usuage of the courts. In all other actions brought by said corporation for a breach or violation of any ordinance or by-law the mayor shall issue a summons against the defendant if he be a householder within the limits of said corporate town which summons shall specify a certain time not less than three nor more than twenty days from the date thereof and also a certain place at which the defendant shall appear and be served at least three days before the time of such appearance in the manner that constables are requested to serve summonses issued by a justice of the peace. If the defendant be not such householder as aforesaid the mayor may issue either a summons or a warrant for his arrest at his discretion, The pleadings of the parties shall be regulated in the same manner as the courts of justice of the peace. When the value in controversy exceeds twenty dollars the defendant may demand a jury to be summoned and

empanneled as above.

SEC. 16. The mayor may grant continuances in all causes before him in the same manner as justices of the peace may do, he may issue the necessary process for conducting causes over which he has jurisdiction, and for carrying his judgments into execution, he may receive and collect the same fees as are allowed to justices of the peace for similar services. All process to be issued by him shall be attested by his official signature and have the seal of the corporation affixed except subpoenas which he may issue without the corporate seal. When acting as a judicial officer he shall keep a record of his proceedings in all cases tried before him and all judgments entered thereon shall be signed by him which record or part thereof or a transcript of any cases therein certified, by him under the seal of said corporation shall be evidence in any court, such transcript shall be furnished to any person applying therefor and tendering the fee for the same, judgments shall be rendered by the mayor within three days after the hearing of any cause, and judgments and executions rendered and issued by him, shall have the same lien, force and effects as judgments and executions from justices of the peace and transcripts of such judgments may be filed in the circuit court and execution ordered thereon in like manner as is provided in cases of judgments rendered before justices of the peace. The process issued by the mayor may be served at any place within the county of Tippicanoe, and witnesses in his court shall be entitled to the same fees as witnesses before justices of the peace. Upon vacating his office he shall transmit his judicial record to his successor who shall be authorized to proceed upon the same, in like manner as justices of the peace can with the dockets of their predecessor.

SEC. 17. The marshal before entering upon his duties shall take a like oath to the one required of the mayor in this act, a certificate of which shall be filed in like manner with the clerk of said corporation. He shall be authorized to serve and execute all process issued by the mayor, and in all cases not especially provided for in this act or in the by-laws

28

of ordinances of said corporation shall be governed by the law regulating the conduct of constables in similar cases, it shall be his duty to suppress all riots affrays and breaches of the peace and unlawful assemblys contravening the ordinances of said corporation or the penal laws of the state to apprehend and bring before the mayor on view or on warrant, all such offenders and in discharge of any such duty he may call to his aid the power of the county or necessary assistance, he shall give information to the mayor of any breach of good order in said town for the purpose of having the offender brought to justice. His fees for all ministerial services shall be the same as those allowed to constables for similar service. All process issued by the mayor may be served by a constable if it be directed to him instead of the marshal.

SEC. 18. All forfeitures on penalties imposed by any ordinance or bylaw of said corporation shall course to the use of said corporation, and may be recovered by action of debt in any court having competent jurisdiction.

SEC. 19. It shall be the duty of the keeper of the jail of Tippecanoe county to receive into his custody any prisoner or prisoners who may from time to time be committed to his charge under the authority of said mayor and to safely keep every such prisoner or prisoners according to the warrant or process of commitment until he, she or they shall be discharged by due course of law.

SEC. 20. In any suit or judicial proceeding wherein said corporation is a party it shall not be necessary to prove themselves a corporation, but the burthen of proof to the contrary shall be on the other party and all officers de facto of said corporation shall be presumed to have been legally elected and qualified.

SEC. 21. It shall not be lawful for any person or persons other than tavern keepers within the bounds of said corporation to sell by a less quantity than one quart at a time of spirituous liquors foreign or domestic or keep what is commonly called a tippling house unless such person or persons shall in addition to a license obtained from the board doing county business obtain also a license from the corporation which is hereby authorized to grant the same to such applicant or applicants for one year on his, her or their paying into the treasury of the corporation a sum not exceeding two hundred dollars and not less than five dollars at the discretion of the corporation. And if any person or persons shall sell any spirituous liquors or keept what is commonly called a tippling house contrary to the provisions of this act, he, she or they so offending shall upon conviction thereof upon presentment or indictment or otherwise before any court having competent jurisdiction thereof, be fined in any sum not exceeding fifty nor less than five dollars for the use of the county seminary of said county: Provided, that nothing herein contained shall be construced to release tavern keepers from any of their penalties, restrictions or regulations provided by the general law now in force in relation to the incorporation of towns. and that, providing for the license and regulations of taverns.

SEC. 22. No recovery on suit by said corporation upon any penal ordinance or by-law shall be a bar to a prosecution in the name of the state for the same offence.

SEC. 23. The legislature shall have power from time to time to alter amend, modify or repeal this charter and this act shall be taken and deemed to be a public act; and shall be favorably construed for all beneficial purposes, and it shall not be necessary specially to plead the same in any suit. It shall take effect and be in force from and after its passage and it shall be published in the "Lafayette Free Press" and "Wabash Mercury."

CHAPTER LXX 1.

An Act to incorporate the Brookville Insurance Company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana That there shall be and hereby is established in the town of Brookville, an Insurance Company, with a capital stock of one hundred thousand dollars. to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies or corporations, in manner hereinafter specified; which stockholders and subscribers, and their successors, shall be, and hereby are created a body politic and corporate, by the name and style of the "Brookville Insurance Company," for the period of fifty years, from and after the passage of this law; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of the business, or which may be conveyed to said company for the security, or in payment of any debt, which may become due, and owing to the same, or in satisfaction of any judgment of any court of law or any order or decree of any court of equity, in their favor; and may have and use a common scal, and the same altar, change, break or renew at pleasure; and may also make, ordain, establish and put in execution, such by laws, ordinances, rules and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: Provided, that no by-laws, ordinances, rules, or regulations of said company, shall in any wise be contrary to the constitution and laws of this state, or of the United States: And provided also, that said company, shall not own or hold at any one time, a greater amount of real estate, than shall be of the value not exceeding fifty thousand dollars, and that said corporation shall sell at public sale, if not otherwise sold, once every year, all such real estate over ten thousand dollars worth.

Sec. 2. That said corporation shall have full power and lawful authority

to insure all kinds of property, against loss or damage by fire, or any other cause or risk, to make all kinds of insurance against loss or damage on goods, merchandise and produce in the course of transportation or otherwise, whether on the land or on the water, and any vessels or boats, wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry or respondentia, to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maratime or other risk, upon the interest which they may have in any vessel, boat, goods, merchandise or other property, by means of any loan or loans which they make on mortgage, bottomry and respondentia, and to underwrite any foreign or domestic bill of exchange, bond, note or obligation and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

SEC. 3. That it shall be lawful for said company to invest any part of their capital, stock, money, funds, or other property, [in] stocks or funded debts, created or to be created, by or under any law of the United States, or of this or any other particular State, or in the stock of any chartered bank of this State or of the United States or any branch thereof, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof, in such stocks or funds, whenever and as often as the exigencies of said corporation, or a due regard to the safety of its funds may require, or they may loan the same or any part thereof to individuals or corporations, and on real or personal security, for such periods of time and under such restrictions and limitations and upon such terms as the directors thereof for the time being, shall deem prudent and best for the interest of said company: that the office of "The Brookville Insurance Company," be, and the same is hereby made an office of discount and deposit, and are hereby authorized to deal in exchange, and the discount of promissory notes, and to receive cash and bank bills of any incorporated bank on deposit, for such time and on such interest, as may be agreed on, and to discount or loan the same upon such terms, and upon such rate of interest as may be agreed upon between said company and the person or persons, company or corporation discounting or borrowing the same not exceeding the rate of interest individuals are allowed by law to receive, which interest may be received in advance: Provided, however, that all deposits made in said office, shall be refunded and paid by said corporation, onldemand, in specie or its equivalent, except where special deposits are made, which shall be refunded and paid as agreed upon: And provided also, that it shall not be lawful for said corporation to issue or emit any bills of credit, or any bills payable to order or bearer, as a circulating medium of trade or exchange, nor in any manner engage in the business or operation of banking, otherwise than is authorized by this act.

SEC. 4. That in all cases where said company shall refuse to pay, deposits made in said office, on demand, the amount of the same shall be recovered by motion or suit in any court of competent jurisdiction ten days previous notice of said motion if before the circuit court, and three days notice, if before a justice of the peace, having been given; and upon judgments rendered therein, and upon all other judgments against said

c orporation for deposits, shall be allowed ten per cent. damages, and interest after the rate of six per centum per annum, from the date of such legal demand, and upon which judgments there shall be no stay of execution.

SEC. 5. That it shall be sufficient service of process on the corporation hereby created to execute the writ or notice on the president or secretary and a majority of the directors for the time being, and such service shall authorise judgment on proceedings by default, against the corporation without appearance or plea by the corporation, in the same manner that judgments or proceedings are taken by default against individual persons,

on the execution of process.

SEC. 6. That the real and personal estate, business, property, funds and general concerns of said corporation, and the administration of its affairs, shall be under the management, direction and control of a board of seven directors, who shall be stockholders and citizens of the State of Indiana, and after the first election they shall be elected by the stockholders, on the second Monday in October annually, at such time of day, and at such place in the town of Brookville, as said directors, for the time being shall direct; they shall hold their offices for the term of one year, and until their successors shall be chosen, and notice of such election shall be advertised and published for three weeks next preceding the same, in a newspaper printed in said town, and if no paper be published in said town, then by setting up advertisements in three of the most public places in Franklin [county,] and such election shall be by ballot, and a plu rality of votes received and counted in public, by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose; and at every such election, and all other meetings of the stockholders held under the provisions of this act, each shall be entitled to one vote for each share: Provided that no stockholder shall be entitled at any time to more than twenty-five votes, and any stockholders not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy, being granted to a stockholder present at such meeting, and in case it should happen, that an election of directors should not be made on any day when by this act it ought to have been made, it shall be lawful for said company, to make an election for directors on any other day, in such manner as may be provided for by the by-laws and ordinances of said corporation.

Sec. 7. That the directors duly chosen under the provisions of this act, shall as soon as may be after the first and every annual election, elect from their own body, a president, who shall preside in the board until the next annual election, and in case of his death, resignation or absence, the board shall appoint a president pro tempore, they shall fill all vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary and all subordinate officers, clerks, and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions and limitations, not inconsistent with the provisions of this act and the by

laws, rules and ordinances of said company, as the directors for the time being shall prescribe; they shall make such by-laws, rules and regulations for their own government, and for the management and disposition of the stock, property, estate, funds and business of said company, and all matters referring thereto, as shall be needful and proper, not contrary to the provisions of this act, and the by laws, rules, ordinances and regulalations adopted at any regular meeting or meetings of the stockholders; they shall hold stated meetings, agreeably to their own regulations, and at such times as the president thereof, for the time being, shall order and direct; and a majority of the whole number shall constitute a quorum, and be competent to the transaction of business within the scope of their powers, and connected with their duty; and all questions before the board shall be decided riva roce by a majority of the directors present, any two of whom may require the yeas and mays to be taken on any proposition tubmitted, and entered in the journal of their proceedings, and no vote shall be rescinded by a less number than were present and voting when the original vote was taken. They shall in the first week in January and July annually, make and declare such dividends of the profits resulting from their business, as shall not impair or in any wise lessen the capital stock of the same, and cause the same to be paid to the several stockholders: Provided, that no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment thereof.

SEC. 8. That all policies of insurance, which may be made or entered into by said corporation, shall be subscribed by the president, or president protempore, or by such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary; and being so signed and attested, shall be binding and obligatory on the said corporation, without the seal thereof; according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors, by the president and secretary, subject nevertheless to the by-laws, rules, ordinances and regulations established by the board of directors. It shall be the duty of the secretary at every annual election or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of said com-

Dany

SEC. 9. That the stock of said company shall be assignable and transferable, on the books of the same or otherwise, according to such rules and by laws, and subject to such restrictions a d limitations, as may be established by the directors; and all such stock shall be held and considered as

personal property.

Sec. 10. That any number of stockholders, who shall at the time be the owners of one tenth part of the stock sold, shall have power to call a general meeting of the stockholders, by giving two weeks notice in some newspaper printed in said town, of the time and place of such meeting, the stockholders present in person or by proxy, at any such meeting, shall decide all questions proposed for consideration, by a plurality of votes, and may make and prescribe such by-laws, ordinances rules, and reg-

ulations, as to them shall appear needful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof.

SEC. 11. That books for the subscription to the capital stock of said company shall be opened in the town of Brookville,, under the direction of Richard Tyner, Nathan D. Galliver, [Gallian,] James H. Speer, David Price, George Holland, Samuel Goodwin, and John A. Matson. who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscription, in a newspaper printed in said town; and it shall be lawful for any individual, company, or body corporate, to subscribe for any number of shares; and such individual, company, or body corporate, shall at the time of subscribing, pay to the said commissioners, one dollar on each share so subscribed; and it shall be the duty of said commissioners, as soon as four hundred shares are subscribed. to give two weeks notice in some newspaper printed in said town, of the time and place for the stockholders to meet and elect the first board of severe directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the board of directors thus elected, shall constitute the first board, and shall continue in office until the next annual election.

SEC. 12. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to said board of directors, all moneys that may be in their hands belonging to said company, and deliver over to them, all books and papers belonging to the same; and it shall be the duty of the directors, before they proceed to make any policies of insurance, to demand and receive of each stockholder, the full amount of the stock by them respectively subscribed, which payment shall be made either in cash, or secured to be made, by giving real or personal security to the satisfaction of the directors: and if any stockholder shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company, the amount paid on such stock at the time of subscribing: Provided, that the said corporation shall not commence business, or grant any policies of insurance, until four hundred shares are subscribed and paid for, or secured to be paid as aforesaid, it being one tenth of the capital stock; all the remaining balance of the stock shall be offered for sale, at such time and place, and on such terms, as the directors for the time being may from time to time, direct.

SEC. 13. That when said corporation shall have commenced business as aforesaid and shall grant any policy or policies of insurance, on any kind of property, real or personal, against loss or damage by fire, or any other cause, or risk on any goods, merchandize or produce, whether on the land or on the water, on any vessel or boats whatever and wherever they may be, on life or lives, or shall lend any money on bottomry or respondentia, or shall become the underwriter of any foreign or domestic bilt of exchange, bond, note or obligation, it shall be lawful to charge such rate of premium or interest as may be agreed upon by the parties.

SEC. 14. That whenever any property, real or personal, on which a

policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or vendors to assign such policy to the vendee or vendees of such property, and such assignee or assignees shall have the full benefit thereof; Provided, that before any loss happens, notice shall be given said company, of said assignment. And provide t, that said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

Sec. 15. That whenever said corporation shall be notified of any loss, sustained or incurred on any policy of insurance, granted or issued by the same, it shall be the duty of said corporation, to pay the amount so lost or incurred on such policy, within sixty days after being so notified: Provided, there shall have been no violation of the condition of the policy on the part of the insured; and on all judgments obtained by said corporation, there shall be no stay of execution, except on judgments for money loaned, and on discounted promissory notes, upon which judgment for money loaned, and discounted notes, there shall be allowed the same stay of execution, as is now, or may hereafter be allowed by law in other cases.

The stockholders may, at regular meetings, either increase or diminish the number of directors; *Provided*, that there never shall be more than eleven nor less than five.

SEC. 16. That in all cases where execution shall issue against said corporation, the same shall be first levied on the goods, chattles, lands and tenements, belonging to said corporation as its joint property, and on a return on such execution of no property found, or not a sufficiency of property to satisfy said execution, then and in that case the individual property of each of the corporators who are or were stockholders at the time the debt, demand, or liability, shall be held for said debt to to the amount of his, her or their stock, but no further. But no execution shall issue against any stockholder in their individual capacity, until a scire facial shall be issued against and served on them to appear and show cause if any they can, why execution shall not go again-t them; and upon such trial the stockholder may be permitted to plead that he was not a stockholder at the time of contracting such debts, demands or liability, or that the corporation was not liable for said debts or any cause of legal defence.

SEC. 17. That said corporation be and they are hereby authorized and empowered to lay out and expend the sum of ten thousand dollars of their capital stock aforesaid in the purchase of a lot or lots in the said town of Brookville and in the erection thereon of a Hotel together with all the necessary out buildings and other appendages necessary and convenient for a Hotel, and that after the purchase of such lot or lots, and the erection of such Hotel and other buildings as aforesaid, that said company shall have full power and authority either to occupy and use the same by their agent or otherwise, and to rent or lease the same or any part thereof, for any term of time and the same to sell, transfer or otherwise dispose of absolutely and for ever, whenever said company may deem proper. That at any election for directors as aforesaid, any other general meeting of the stockholders, the said stockholders shall determine

whether the said company, shall purchase such lot or lots for the purpose aforesaid and whether the said Hotel and other buildings as aforesaid shall be erected thereon, and a plurality of votes shall determine the question, and such election or determination shall be by ballot or viva voce, as may be regulated by the by-laws, ordinances or regulations of said corporation. And if said company shall in such manner as aforesaid elect or determine to make such purchase and to erect such buildings as aforesaid, then, and in that case the whole management, business and control of such purchase and the erection of such buildings shall be under the direction of the board of directors elected under this act, and when such Hotel shall be completed, that the said board of directors shall have power to have the same occupied and used by an agent or agents for the benefit of said company, or to lease the same or any part thereof, for such time and in such manner as they may deem most conducive to the benefit of the corporation, under such limitations, restrictions, and provisions as may be fixed by the by-laws, ordinances or regulations of said company. But said directors shall not have power to sell or dispose of absolutely and in fee simple the aforesaid Hotel and premises without the consent of a majority of the stockholders, present, at any election for directors as aforesaid, or other general meetings of the stockholders held for the transaction of that or any other business of said corporation. And the profits or dividends arising from the investment of the stock of the company in the Hotel and premises in this section mentioned, shall be declared and disposed of in the same manner as other dividends are declared and disposed of under this act: Provided, that nothing in this section contained shall be so construed, as to make it obligatory on said corporation to buy said lot or lots and erect said Hotel, but the same shall be discretionary with the stockholders.

This act shall be deemed and taken to be a public act, and be liberally construed for all beneficial purposes, and shall be in force from and after its pssage.

CHAPTER LXXVIII.

An Act to incorporate the Philomath Turnpike Road Company.

(APPROVED FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph Flint, J. R. Lampson and Jonathan Kidwell and their successors in office are hereby constituted a body politic and corporate, by the name and style of "The Board of commissioners of the Philomath Turnpike Road Company;" and by their corporate name may sue and be sued, plead and be impleaded in any court of legal proceedings in this State, and in that name shall have perpetual succession, and full power

to do any legal act which may be necessary to carry into effect the provisions of this act.

SEC. 2. Said board of commissioners are hereby empowered to locate, open and keep in repair a good turnpike road connecting the following points, not more than sixty-six nor less than forty feet in width, commencing in Brownsville, Union county, thence the most unexceptionable route to the south end of Walnut-street, in Philomath, thence with said street to the line dividing said county of Union from that of Wayne, thence with said line to the north-west corner of said Union county, thence to the east end of David Jenkins' lane, thence through said lane, with the road leading from Abington to Howver's mill, to the road leading from Waterloo to Jacksonburgh, thence the most unexceptionable route to Cambridge, by the way of Milton. Also an arm of said road, commencing on the line dividing the said county of Union from that of Wayne, as aforesaid, where said road strikes said line, thence the most unexceptionable route, so as to connect said road with the National road at Centerville.

SEC. 3. Said board of commissioners, before entering on the duties assigned to them by this act, shall swear or affirm before some justice of the peace, well and truly to perform the duties assigned to them by this act; and after being thus qualified shall proceed to do any duties assigned by this act, and adjourn to any time or place they may deem necessary for the purposes of carrying into effect the provisions of this act.

Sec. 4. Said board of commissioners in their corporate body shall have full power to make by-laws within the provisions of this act, for the regulation of their body and the conduct of its officers, they shall appoint as many agents as they may deem necessary to open books for stock or subscriptions in money or labor to be paid in as money. Annual instalments as may appear to them best calculated for the purpose of opening and repairing said road under their supervision and direction.

SEC. 5. Said board of commissioners, as soon [as] qualified into office, or as soon thereafter as they may deem necessary, shall proceed to make a survey and location of said road, taking a release of damages from all landholders through whose land it may pass, who are willing to give such release; and should any landholder refuse to give such release of damages, said board of commissioners shall notify such landholders to choose some disinterested freeholder, and said board of commissions shall also choose one; the two thus chosen, shall nominate a third, who after being duly sworn or affirmed before some acting justice of the peace, shall assess the damages such landholder may sustain by said road, taking into consideration the advantages as well as the disadvantages said road may be to such landholder, and in case any landholder, claiming damages under the provisions of this act, refuse or neglect to nominate a freeholder as aforesaid, said board of commissioners shall nominate the three freeholders who shall assess the damages, shall as above and all damages thus assessed shall be paid out of the said road funds within twelve months after opening said road through the land of such landholder: Provided. however. If any individual or individuals who feel an interest in the opening of said road, will give bond and sufficient security, payable to said landholders within twelve months after opening said road said individual or individuals after executing and tendering to the party claiming damages as above such a bond may enter on such condemned premises, remove obstructions, open and repair such road, subject to the same rights and privileges as if the fee-simple of such land was vested in such individual or individuals subject to a release of damages: Provided also, That no damages whatever shall be allowed in any case where said road is located along any State or county road already opened and established.

Sec. 6. Said board of commissioners in making a survey and location of said road, shall divide the same into mile sections, and sit a stone or stake of lasting wood at the end of each section with its number marked on said stone or stake, and after such survey and location is made, said board of commissioners shall cause duplicates thereof to be made and transmitted to the several county clerks of the several counties in which any part or parts of such survey and location is made; and it is hereby made the duty of such respective clerks to enter such duplicates on the respective county record of public roads and high-ways, and from and after the time said road is recorded, it shall be entitled to all the rights and privileges of other State roads, till it is completed a good turnpike road; and all supervisors of roads and public high-ways through whose district it may pass shall attend to the opening and repairing their respective parts of said road, subject to the provisions of the several acts now in force for the opening and repairing roads and public high-ways.

SEC. 7. Said board of commissioners shall also divide said road into as many districts as they may deem necessary; they shall appoint a treasurer and secretary in each district, and cause a book to be opened in each district for voluntary contibutions, which contribution shall be laid out under the supervisors in the several dictricts in which the subscribers reside or where they may designate, in opening and repairing of said road all money or labor thus expended shall entitle the donor or donors to so much of a share or shares in the road stock.

SEC. 8. The treasurers of the several districts shall give bond and approved security to the board of commissioners for the true and faithful performance of their duties in such penalty as said board may require, and all money subscribed shall be paid over to the treasurer who shall receipt for the same which receipt shall entitle the holder to so much stock in the road funds, and shall be considered as such by said board of commissioners in regulating the amount of shares in said stock.

SEC. 9. As soon as said board of commissioners can ascertain the amount of stock necessary to complete said road a good turnpike, they shall proceed to divide the same in equal shares and open books for the same.

SEC. 10. In order that perpetual succession maintained by said corporation should any vacancy happen in said board of commissioners, by death, resignation, or otherwise, it is hereby made the duty of the remaining member or members of the board to advertise an election in the several districts for the purpose of filling said vacancy, and such election shall be governed in all respects as other elections: provided however, no man shall be eligible to the office or give his vote but a subscriber to the

road funds or stockholders. That individual or individuals having the highest number of votes taken in the several districts, shall be duly elected.

This act to be force and take effect from and after its passage.

CHAPTER LXXIX.

An act to incorporate the Hudson and New Buffalo Rail Road Company.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Amizi L. Wheeler, Hallam Huntington, John Wills, Jared Chapman, and John Egbert, and their successors in office duly elected as hereinafter directed, are hereby constituted and appointed a body corporate and politic, and by the name and style of "the president and directors of the Hudson and New Buffalo Rail Road Company," shall be able and capable in law and equity, to sue and be sued, plead and be in pleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change or renew at pleasure; and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be one hundred

thousand dollars, divided into shares of fifty dollars each.

SEC. 3. The directors named in this act, or a najority of them, may meet at such time and place, as they may agree on, and organize said corporation by electing one of their own body to be president, and after such organization three of the Board shall be a quorum, but after an election for

directors, it shall require five to form a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and servants necessary to carry into effect the objects of this act; they shall keep a journal of their proceedings, in which shall be entered all by laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers, servants and all others in their employ, which journal shall from time to time be read by the board, and if found correct shall be signed by the president: they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president pro tempore, they shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places, as they

may choose, due notice of which shall be given; in each of which books the following entry shall be made: "We the undersigned, promise to pay the sum of fifty dollars, for each share of stock set opposite our names, in such manner and proportion and at such time, as the President and directors of the Hudson and New Buffalo Rail Road Company may direct. Witness our hands this

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of [any] State, or of the United States, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time, and at such place or places, as the corporation shall choose, and may be re-opened at any time; and they may, by an agent, offer for sale in any other State, any amount of stock, on such terms and conditions as may be thought advisable; and they shall have power on their own credit to borrow money on such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books, and any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as two hundred shares are subscribed for, and ten dollars are paid on each share, it shall be the duty of the corporation to give three weeks notice the eof, in one or more newspapers; and in such notice, appoint a time and place for the stockholders to meet, and elect thirteen directors, who shall be stockholders and citizens of this State; which election shall be held within three months after the last share in one hundred shares, is subscribed for, and shall be conducted by two judges appointed by the stockholders present; and the persons having a plurality of votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election; in all elections, one share shall entitle the holder to one vote; and; votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, State, or of the United States; or any person having a right to vote may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

Sec. 9. All elections after the first shall be held on the third Monday of October annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election notice shall be given: Provided, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

Sec. 10. Certificate of stock shall be given to the stockholders, which shall be evidence of the stock held; it shall be signed by the president,

and countersigned by the clerk; the stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, or by the administrator, executor, trustee or guardian; but such stock shall at all times be holden by the corporation, for any dues from the holder thereof to the corporation, or for any sum that may thereafter become due, on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty five per cent. of the amount of stock every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in some weekly newspaper, printed nearest the place where a majority of the stock is held, or by giving written notice to the stockholders; in all such notices the amount on each share demanded, and the time and place of payment, shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time prescribed for the payment thereof, the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount, with five per cent. per month interest thereon, fer such detention, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividends on his, her, or their stock, until the corporation is fully paid and satisfied.

SEC. 12. The corporation shall require of all officers and others in their employ, bonds, with security to their acceptance, with such penalties as they may think proper, for the faithful performance of their re-

spective duties.

Sec. 13. The corporation by their agents shall have full power to examine, survey, mark, locate and establish a rail road for a single or double track, from the town of Hudson in the county of Laporte, to the line of the State, in the direction of New Buffalo in the State of Michigan, with full power in all cases, to diverge from a direct line, where more favorable ground can be had for the construction of the road, the same to be not more than eighty feet wide.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates. and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road; but no stone, gravel, wood or other materials shall be taken away from any land, without the consent of the owned thereof, until the rate of compensation shall be ascertained and paid.

Sec. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persors through whose land the same may pass, a relinquishment of so much of said land as may be necessary for its construction and location, as also

the stone, gravel, timber or other materials that may be obtained on said route, and may contract for stone, gravel, timber and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation, to receive by donations, gifts, grants or bequests. land, money, labor, property, stone, gravel, wood, or other material, for the benefit of said corporation; and all such contracts, relinguishments, donations, gifts, grants and bequests, made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law in any court of competent jurisdiction, to compel the observance of the same: Provided, That all such contracts, relinquishments, donations, gifts, grants. and bequests, shall be fully and plainly made in writing and signed by the

party making the same.

SEC. 16. That in all cases, where any person through whose land the road may run, shall refuse to relinquish the same, or when a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such difficulties may occur, that such facts do exist; and such justice shall there. upon summon the owner of such land, to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials. and after having taken into consideration the advantages, as well as the disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs; Provided, That either party may, at any stage of the proceedings. appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers as above directed, who may report at that or the succeeding terms, in the discretion of the court; and the judg ment of the circuit court shall be final.

SEC. 17. And in all cases when the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county where such land may be, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person shall attend on the day named in said notice, said justice shall adjourn the same until that day two weeks; at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the land or materials: costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 18. That if it should be found necessary and advantageous to the location and construction of said road, the corporation shall have the right

to lay the same along and upon any state or county road: Provided howev. er, that before such location shall be made, the corporation shall make application to the county commissioner of the proper county, for such right; uad the said commissioners are hereby vested with power to grant the same, by an order entered on their records: And provided also, That such right shall be granted, on condition that the corporation shall leave a sufficiency of said state or county road, in as good repair for common use, as previous to such occupation.

SEC. 19. That when said corporation shall have procured a right of way, as herein before provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupancy of the same; and no person, body corporate or politic, shall in any way interfere therewith, molest, disturb, or injure any of the rights and privileges hereby granted, or that would be calculated to detract from, or affect the profits

of said corporation.

SEC. 20. The corporation shall commence the construction of said road any time within five years, after the opening of the books, and from time to time, construct so much towards the point of destination, as may be within the ability, and to the interest of the company, and shall complete it within fifteen years from its commencement: Provided, That if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shown, give further time to complete the same: Provided also, That if any part of said road shall be completed within the time aforesaid, that then and in that case, all the rights, privileges, and benefits granted to said company in this act, shall be extended to, and invested in said corporation, to such part of said road as shall then be completed.

SEC. 21. It shall be the duty of said corporation, whenever any state or county road now established, shall cross, or may hereafter cross the rail road, to make and keep in repair, good and sufficient causeways, so that the free use of said state and county road shall not be obstructed; and in all cases, where any person shall own lands on both sides of said rail road. and there shall not be any causeway for a public road, leading from one tract to the other, the owner of such land shall have the right, free of any charge, to cross the same, and to make such causeways as may be necessary for the convenience of such owner: Provided, that such owner of land

shall not injure or obstruct said road.

Sec. 22. It shall be lawful for said corporation to place on, or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares, and merchandize, or any other kind of property; and for this purpose the corporation may construct said road, with such locks, turns, gates, bridges, aqueducts, culverts, toll and warehouses, as may be considered necessary for the interest of the company, and the convence of the public; and the corporation may charge tolls and freights on such part of the road, as may be in a sufficient state for travel although the whole be not finished and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be so far laid as to admit carriages thereon.

SEC. 23. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages, on said road, or any part thereof, as shall be for the interest of the company, and the same to change, lower or raise at pleasure: Provided, that the rates established from time to time, shall be posted up in some conspicuous place or places on said road.

Sec. 24. That when the aggregate amount of dividends shall amount to the full sum invested, and six per cent, per annum interest thereon, the Legislature may so regulate the tolls and freights, that not more than fifteen per cent. per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses and reserving such proportion as may be necessary for future contingencies, shall be paid over to the Treasurer of State for the use of common schools; but the corporation shall not be compelled by any law to reduce the tolls and freights, so that a dividend of fifteen per cent. cannot be made. And it shall be the duty of the corporation to furnish the Legislature, at each session thereof, with a correct statement of the amount of expenditures, and of the amount of profits, after deducting all expenses; which statement shall be made under oath of the officer, whose duty it shall be to make the same.

SEC. 25. Half yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays of January and July, annually, unless the directors fix on a different day, and paid to the several stockholders, as soon thereafter as can with convenience be done; but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses; and the corporation may reserve such proportion of the profits as a contingent fund to meet subsequent ex-

penditures as they shall deem proper.

Sec. 26. That if any person or persons shall wilfully and knowingly injure or obstruct said road, or any part thereof, or shall break, destroy or deface any work, edifice, device, toll or warehouse belonging thereto, such person or persons so offending, shall pay to the corporation, five times the amount of damages actually done, with costs of suits, to be recovered by the corporation, before any court having competent jurisdiction: Provided, That all actions commenced by the corporation, for the recovery of damages, shall be commenced within six months from the time such cause of action accrued, and not after.

SEC. 27. That the State reserves the right, to subscribe for two hundred shares of the stock, at any time within three years from the com-

mencement of the work.

SEC. 28. It shall be lawful for the county commissioners; for the county through which the said road passes, for and on behalf of such county, to authorise by an order, as much of the stock to be taken as they may think proper, at any time within five years from the opening of the books.

SEC. 29. It shall be the duty of the corporation, to cause a full statement of the affairs of the company, to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the Stockholders.

SEC. 30. Any number of stockholders, owning one third of the stock, may call ageneral meeting of the stockholders by giving four weeks no-

tice thereof in which specifying the object of the call; and a majority of the stock being represented, they may make such order relative to the concerns of the company, as a majority may determine.

SEC. 31. The corporation may by contract, admit the intersection with the said road, with any other rail road, turnpike, or any other road

or any collateral road.

SEC. 32. The State in time of war, shall have the right to transport

troops, munitions of war, and provisions free of toll on said road.

SEC. 33. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may at any general meeting reduce the number of directors to any number not less than five.

SEC. 34. That when the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the Secretary of State; and from and after that time it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays the owner or owners of land on said changed route the amount of damages they may sustain by such re-location.

SEC. 35. That if said road after its completion, shall be suffered to go into decay, or be impassible for one year, unless when the same is repair-

ing, this charter shall be taken and considered as forfeited.

SEC. 36. The corporation shall in no case, directly or indirectly, engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation, under any pretence whatever, enter into banking business, for the purpose of receiving deposits, making discounts, or issuing bills of credit, or bills or receipts of any description, to pass as a circulating medium.

SEC. 37. This charter is limited to fifty years in duration.

SEC. 38. The corporation shall cause to be kept a fair record of the whole expense of making and repairing said rail road, or any section thereof, with all incidental expenses; and also a fair account of the tolls received; and the State shall have the right to purchase the stock of said company, at any time after twenty-five years, by paying to said corporation a sum of money, which together with the tolls received, shall equal the cost and expense of said rail road, as aforesaid, with an interest of fifteen per cent, per annum; and the books of said corporation shall always be open for the inspection of any agent of the State, appointed for that purpose by the Legislature; and if said corporation shall neglect or refuse to exhibit at any time their books and accounts agreeably to this section, when thereunto required, then all the rights and privileges granted by this act shall cease and be an end. ...

SEC. 39. This act to be in force from and after its passage, and shall be taken for a public act, and shall be favourably construed for all beneficial purpose.

American to terrent engraphs of the transmit of the care

CHAPTER LXXX.

An act to ratify and confirm an act of the Legislature of the State of Ohio, incorporating a Company to construct a Rail Road from Piqua, in the State of Ohio, to Fort Wayne, in the State of Indiana.

(APPROVED, FEBRUARY 6, 1837.)

WHEREAS, it is represented to this General Assembly that the Legislature of the State of Ohio, at the last session thereof, to wit: in the month of March in the year of our Lord eighteen hundred and thirtysix, passed an act to incorporate a company to construct a Rail Road from Piqua, in the county of Miami and State of Ohio, to Fort Wayne in the county of Allen and State of Indiana, in substance as follows:-That is to sav.

AN ACT

TO INCORPORATE THE FORT WAYNE AND PIQUA RAIL ROAD COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of Ohio, That Marshall S. Wines, William G. Ewing, Allen Hamilton, Doctor L. G. Thompson, Samuel Hanna and Francis Comparet, of Fort Wayne, Indiana; Robert Young, Doctor John O'Ferrall, William Scott and James Alexander, of Piqua; John Pickrel and James W. Riley, of St. Mary's, Ohio, and their associates and successors be, and they are hereby constituted and made a body politic and corporate, and shall be and remain a corporation forever, under the name of "The Fort Wayne and Piqua Rail Road Company," and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution in all courts having competent jurisdiction; and may have a common seal, and the same to alter and renew at pleasure; and shall be and hereby are invested with all the power and privileges which are by law incident to corporations of a similar nature, and which are necessary for the purpose of constructing a single or double rail road or way, from a point at or near the town of Fort Wayne, in the State of Indiana, by way of Shank's Prairie and St. Mary's, to Piqua, in Ohio; to transport, take and carry property and persons upon the same, by power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, which the said corporation may choose to employ; and by that name, they and their successors shall be, and are hereby invested with the right and privilege of constructing, erecting, building, making and using a single or double rail road or way, for the purposes aforesaid, from and to any point or place comprised within the limits aforesaid.

SEC. 2. That the capital stock of said company shall be one million of dollars, and shall be divided into shares of fifty dollars each; which shall be deemed personal property, and transferable in such manner as the by-laws of said corporation shall direct.

SEC. 3. That the persons named in the first section of this act, or any

five or more of them, who may consent to act as such, shall be commissioners, whose duty it shall be, so soon after the taking effect of this act as a majority of them that will agree to act, will judge proper, to cause books to be opened at such times and places as they shall think fit, in the States of Indiana and Ohio, and elsewhere, under the management of such persons as they shall appoint for receiving subscriptions to the capital stock of said company, each subscriber to be a member of said corporation for all purposes; and public notice shall be given in such manner as may be deemed advisable by said commissioners, of the time and place of opening said books; and the said commissioners, or a majority of them, may prescribe the form of said subscription; and when the sum of fifty thousand dollars has been subscribed, it shall be the duty of said commissioners, or a majority of them, to call a meeting of the subscribers, by causing notices to be published in one or more newspapers in general circulation in the several places, or most contiguous thereto, in which the books may have been opened and stock subscribed, at least twenty days previous thereto, of the time and place of such meeting, which shall be at some convenient town or place near the route of the contemplated rail road, at which meeting the stockholders who shall attend in person or by lawful proxy, shall elect by ballot, twelve directors, six of whom shall be residents of the State of Indiana, and the remaining six residents of the State of Ohio, who shall hold their offices until the expiration of one year and until others shall have been chosen in their places; and the said commissions shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those duly elected, and shall deliver over to them the said certificate and books of subscription.

SEC. 4. That each subscriber shall pay to the commissioners, or to the persons appointed by them to receive subscriptions to the capital stock of said company, at the time of subscribing, the sum of two dollars on each share for which he shall subscribe, and the same shall be deemed and taken as an instalment paid on account of the stock to which he shall become entitled by such subscription; and the commissioners shall pay over all moneys so paid, to the directors elected in pursuance of the provisions

of the third section of this act.

SEC. 5. That the management of the concerns of said corporation shall be entrusted to twelve directors, to be elected annually by the stockholders by ballot, (at a time and place to be fixed on by the president and directors, of which due notice shall be given, as prescribed in the third section of this act.) and the directors first chosen, and such directors as shall hereafter be chosen at any subsequent election, shall immediately thereafter meet, and elect one of their number who shall be president thereof until another election, and also appoint a treasurer and secretary, who may be removed at the pleasure of said president and directors, and others appointed in their places; and a majority of said directors shall constitute a board for every purpose within the provisions of this act.

Src. 6. That in case it should at any time happen that the election of directors should not be made, as agreeable to the provisions of the preceding section it ought to be made, the said corporation shall not for that

cause be deemed to be dissolved, but such election may be held at any other time, on the notice before prescribed being given by the president and directors.

SEC. 7. That in the event of a sufficient amount of stock not being taken, under the supervision, of the commissioners, the president and directors are hereby authorized to re-open said books, and to continue them open so long as they shall see fit; and each subscriber shall be bound to pay, from time to time, such instalments on his, or her, or their stock, as the said president and directors may lawfully require; they giving at least sixty days notice of the time and place of making the payments required, in such public newspaper in Indiana, Ohio and elsewhere, as will be most likely to give information to the stockholders; but no assessment shall ever be made so as to render any stockholder liable to pay more than fifty dollars for a share: Provided, that not more than one fifth part of the subscription shall be required to be paid within any time of six months after the commencement of the work; if, however, after the closing of said subscriptions for the stock, or at any time, it shall appear that sufficient funds have not been raised, the president and directors of said company, or their agents duty authorized for that purpose, may, at any time, and from time to time, raise the necessary funds by selling additional shares, in such manner, and upon such terms as the president and directors may prescribe, for any sum not under their par value; and the holders of such shares shall thenceforward be members of said corporation for all purpo-

SEC. 8. That if any subscriber shall fail or neglect to pay any instalment, or any part of any subscription by him previously subscribed, for the space of sixty days after the same shall be due and payable, the stock shall be forfeited to the company, and may be sold by the president and directors for the benefit of said company, after thirty days notice given in some newspaper in general circulation; and if said shares so sold, shall not amount to a sufficient sum to discharge the balance due on said shares, the subscribers shall be personally liable for the balance till remaining due; and if said shares shall sell for a sum more than sufficient to pay said balance, the same shall be paid over to said subscribers, on demand being made for the same.

SEC. 9. That at all elections for directors, and at all general meetings of the stockholders, each stockholder shall be entitled to one vote for every share of stock owned by him or her; and every executor, administrator, trustee or guardian, shall be entitled to the privilege of voting on behalf of the estate, co-partnership, corporation or society, of which he may be such executor, administrator, trustee or guardian: Provided, that no share shall confer the right of voting at the first election of the said company, unless two dollars on such share shall have been fully paid, as directed by the fourth section of this act; at all subsequent elections, no share or shares shall confer on the holder or holders thereof, the right of voting, unless all the instalments called for and then due, shall also have been fully paid, according to the seventh section of this act.

SEC. 10. That it shall be and may be lawful for any state, or for the government of the United States, to become subscribers for any number

of shares of stock in said company upon the same terms as other subscribers are authorized to take and subscribe for the same: Provided, that for every one thousand shares respectively owned by any state, or by the government of the United States, at the first election for directors of said company, and at all subsequent general elections for directors, such state, or government of the United States, may each appoint one additional director of said company, but shall not be permitted to vote upon their stock in the election for directors by the stockholders in general meetings: And provided, also, that no number of shares less than one thousand, owned by any state, or government of the United States, shall confer any right of voting for directors of said company, or at any meeting of the stockholdes of said company.

Sec. 11. That if any vacancy shall occur by death, resignation, or refusal to act, of any president or directors, before the year for which he was elected to act shall have expired, a person to fill such vacant place for the residue of the year may be appointed by the directors, or by the president and directors of said company, or a majority of them.

SEC. 12. That at the regular meetings of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of said company; that at any general meeting of the stockholders, a majority (in value) of all the stockholders of said company may remove from office the president or any of the directors of said company, and may appoint others in their stead.

SEC. 13. That every president and director of said company, before he act as such, shall take an oath or affirmation that he will well and truly discharge the duties of his said office to the best of his skill and judgment.

SEC. 14. That the said president and directors shall, annually or semiannually, declare and make such dividend as they may deem proper, of the nett profits arising from resources of said company, after deducting the necessary, current and probable contingent expenses, and that they shall divide the same among the proprietors of the stock of said company.

in proper proportion to their respective shares.

Sec. 15. That the president and directors of said company, or a majority of them, or any person or persons authorized by a majority of them, may agree with the owner or owners of any lands, earth, timber, gravel or stone, or other materials, for the purchase, use or occupation of the same; and if they cannot agree, and if the owner or owners, or any of them, be I feme covert, or under age, non compos mentis, or out of the county in which the property wanted, may be, when such land and materials may be wanted, application may be made to any justice of the peace in such county, who shall thereupon issue his warrant, under his hand and seal, directed to the sheriff of said county, or to some disinterested person, if the sheriff shall be interested, requiring him to summons a jury of twelve disinterested inhabitants of said county, to meet on the land or near the other property or materials to be valued, on a day named in said warrant not less than ten nor more than twenty days after the issuing of the same, and if, at the said time and place, any one of the said persons summoned do not attend, the said sheriff or summoner shall immediately summons as

many persons as may be necessary, with the persons in attendance, to furnish a panel of twelve jurors, and from them each party, or its, his, her. or their agent, or if either be not present in person or by agent, the sheriff or summoner, for it, him, her, or them, may strike off three jurors, and the remaining six shall act as a jury of inquest of damages; and before they act as such, the said sheriff or summoner shall administer to each of them an oath or affirmation that they will justly and impartialy value the damages which the owner or owners will sustain by use and occupation of such lands or materials, or both as may be required by the said company; and the said jury in estimating the damages, in case it be for the land used for such road, shall take into the estimate the benefits resulting to said owner or owners, from conducting such rail road through, along, or near the property of such owner or owners, in extinguishment of the claim for damages; and the said jury shall reduce their inquisition to writing and shall sign the same; and it shall then be returned to the clerk of the court of common pleas for the county, and by such clerk filed in his office; and shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shown; and when confirmed, shall be recorded by said clerk, at the expense of said company; but if set aside. the said court may direct another inquisition to be taken in the manner before prescribed; and such inquisition shall describe the property taken. or the bounds of lands to be occupied; and the amount of such valuation, when paid or tendered to the owner or owners of said property, or his, her or their agent, or legal representative, shall entitle said company to the said property, or the use and occupation of the said land so long as the same shall be required for the use of said rail road; and the valuation, if not received when tendered may at any time thereafter be received from said company without cost, by said owner or owners, or their legal representatives; and that such sheriff or summoner, and jurors, shall be entitled to receive from said company the same fees as are allowed for like services in cases of appraisement of real estate previous to sale under execution.

Sec. 16. The said corporation be, and they are hereby authorized to cause such examinations and surveys to be made by their agents, surveyers and engineers, of the ground lying between the aforementioned points as shall be necessary to determine the most eligible and advantageous route whereon to construct the rail road: Provided, that if at any time af ter the examination aforesaid, or the location of said road, any unforeseen obstacles, impediments, or inconveniences occur on the route located, the said corporation shall have power to deviate from the course marked out, so far, and in such manner as will enable them to surmount, overcome or avoid such obstacles, impediments or inconveniencies; said corporation satisfying the damages that may be accruing thereby, to be assessed in the manner provided by this act: And the said corporation may from time to time make such alterations in the course of said road, as may be necessary or expedient, satisfying all damages in manner aforesaid: And provided also, that in all cases, it shall be competent for said company, and any corporation or corporations, person or persons, injured by the location or construction thereof, to refer the question of damages to such arbitrators as they may agree upon, whose award, when made and returned to the

fill but a larger was a grown of the real ration will as fill as

court of common pleas within and for the county wherein the damages may have been sustained, and affirmed by said court, shall be final, and

said court may enter judgment accordingly.

SEC. 17. That upon payment by said company of such damages to the person or persons, corporation or corporations, to whom the same may have been assessed or awarded, as in this act before provided, then the said company shall be deemed to be seized and possessed of the use of all such lands or real estate, not exceeding one hundred feet in width, as shall have been assessed or appraised by commissioners or arbitrators, as hereinbefore provided, so long as the same shall be used for such road; and it shall be the duty of the commissioners and arbitrators so chosen, to embrace in their reports or awards, a description of the lands or real estate for which they shall assess damages, as aforesaid.

SEC. 18. That in any suit instituted against the said incorporation, the service of legal process on the president or any one of the directors, or on the treasurer or secretary of said corporation, shall be deemed and held, in all courts and places, a sufficient and valid service or said corpo-

ration.

SEC. 19. That whenever, in the construction of said road or roads, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors of said company, so to construct the rail road across such established road or way, as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual proper wagon ways

across said road, from one part of his land to another.

SEC. 20. That the said president and directors, or a majority of them. shall have power to purchase, with the funds of the said company, and place on any rail road constructed by them under this act, all machines, wagons, vehicles, or carriages of any description whatsoever, which they may deem necessary or proper for the transportation on said road: and they shall have power to charge for tolls upon, and the transportation of, persons, goods, produce, merchandize, or property of any description whatsoever, transported by them along said railway, any sum not exceeding the following rates: on all goods, merchandize or property of any description whatsoever, transported by them, one and a half cents a ton, per mile, for toll, and five cents a ton, per mile, for transportation; and for the transportation of passengers, not exceeding four cents per mile for each passenger; and that the said road or roads, with all their works, improvements, and profits, and all machinery for transportation used on said road, owned by them, are hereby vested in said company, incorporated by this act, and their successors forever.

SEC. 21. That any company, or person or persons, paying the tolls aforesaid, may, with suitable and proper cars, transport persons or property on said road, subject to the rules and regulations of said company,

as to the construction and speed of said cars.

SEC. 22. That if any person or persons shall wilfully, by any means whatsoever, injure, impair or destroy, any part of any rail road, constructed by said company under this act, or any of the necessary works, build-

ings, carriages, vehicles or machines of said company, such person or persons so offending, shall each of them, for every such offence, forfeit and pay to the said company, treble damages, which may be recovered in the name of said company, by action of debt, in any court having jurisdiction of the same, and shall also be subject to indictment in the courts of the counties where such offence is committed, and upon conviction of such offence, shall be punished by tine and imprisonment, at the discretion of the court.

SEC. 23. That if the corporation hereby created, shall not, within three years from the passage of this act, commence, and within ten years thereafter, construct, finish and put in operation a single or double rail road, or way, then the said corporation shall thenceforth cease, and this

act be null and void.

SEC. 21. That any other rail road company, now or hereafter to be chartered by law of this State, may join and connect any rail road with the road hereby contemplated, and run cars on the same, subject to the rules and regulations of this company, as to the construction and speed of said cars: and full right and privilege is hereby reserved to the State, or individuals, or any company, incorporated by law of this State, to cross this road: Provided, That in so crossing, no injury shall be done to the works of the company hereby incorporated.

SEC. 25. That the State shall have the power, at any time after the expiration of thirty five years, from the passage of this act, to purchase and hold said road, for the use of the State, at a price not exceeding the original cost for the construction of said road, and the necessary permanent fixtures at the time of purchase, and fifteen per cent. thereon; of which cost an accurate statement in writing shall be submitted to the General Assembly, duly attested by the oaths of the officers of said com-

pany, if the General Assembly shall require it.

SEC. 26. That whenever the Legislature of Indiana shall pass a law giving their assent to, and confirming the provisions of this act, with such alterations and modifications as shall be necessary and applicable to that part of said rail road, and other works, as aforesaid, lying within the limits of the State of Indiana, then this act shall take effect and be in

SEC. 27. This act shall be taken and received in all courts, and by all judges and magistrates and other public officers as a public act; and all printed copies of the same, which may be printed by or under the authority of the General Assembly, shall be ad nitted as good evidence thereof without any proof whatever.

SEC. 28. Whenever the dividends of said company shall exceed the rate of six per cent, per annum, the Legislature of this State may impose such reasonable tax upon the amount of said dividends, as may be

received from other rail road companies.

be directed, be and the come ass

NOW, therefore, to ratify and confirm the aforesaid act of the Legislature of the State of Ohio, herein recited, as aforesaid-on the following conditions:

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That all the power, authority, rights, privileges and immunities granted to Marshall S. Wines, William G. Ewing, Allen Hamilton, Lewis G. Thompson, Samuel Hanna, Francis Comparet, Robert Young, John C. Ferrall, William Scott, James Alexander, John Pickrel and James W. Riley and their associates, by an act of the Legislature of the State of Ohio, passed in the month of March, A.D. eighteen hundred and thirtysix, entitled, "An act to incorporate the Fort Wayne and Piqua Rail Road Company," shall be, and the same are hereby granted and confirmed, under the like limitations and restrictions as contained in the said recited act: Provided, That it shall be the duty of the said corporation to furnish the Legislature of this State, at each session thereof, with a correct statement of the amount of expenditure and of the amount of profits, after deducting all expenses; which statement shall be made under the oath of the officer whose duty it shall be to make the same: provided also, That the said corporation shall not, under any preterces whatever, enter into banking business for the purpose of issuing bills of credit or bills of any description, to pass as a circulating medium: And, provided also, The said rail road, after its completion, shall not be suffered to go into decay or be impassable for more than one year, unless when the same is repairing.

SEC. 2. That the shares of the capital stock of said corporation shall be deemed and considered personal property, and on failure of their being property of said company on which to be levied, to satisfy any judgment that may be rendered against said company, then and in that case, such stockholder shall be liable, individually, to such judgment creditor,

to the amount of his, her, or their stock in said company.

Sec. 3. That this act shall not take effect, until a copy of the act of the Ohio legislature herein recited, with the seal of the State of Ohio thereto attached, shall have been filed in the office of the secretary of state of this State.

CHAPTER LXXXI. See the self-see to the second secon

all author word filmender at Albani, with him bear few fains is Italy

An Act to incorporate the Laurel Savings Institution and Insurance company.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Thomas Hendrick, John M. Howland, Henry D. Smith, George G. Sharpe, William Anderson, Francis A. Conwell and Stephen Jenks of the county of Franklin and state of Indiana, and their successors in office, duly appointed or elected, as hereinafter directed, be and the same are hereby made a body politic and corporation for the term of fifty years, who shall by the name and style of "the Laurel Savings Institution and Insurance company," be able and capable in law to hold and dispose of

property as hereinafter provided; and to sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended in any court of law or equity, or in any place whatsoever; and to receive and make all deeds, transfers, contracts, conveyances, grants and all other writings whatsoever; and generally to do any other act and to promote the object and design of the corporation; and shall have power to make and use a common seal, and the same to change and renew at pleasure.

SEC. 2. The capital stock of said corporation shall be two hundred thousand dollars, and may at any time be increased to four hundred thousand dollars, at the discretion of [the] directors; to be divided into shares of fifty dollars each, and to be subscribed and paid for by individuals, corporations or companies under the direction of the above named persons, whose duty it shall be to give three weeks notice of the time and place of opening books of subscription, in some newspaper published in this state; and it shall be the duty of persons or corporations taking stock, to pay at the time of subscribing, ten dollars on each share for which they may subscribe.

SEC. 3. That the stockholders shall meet together in general meeting, once in each year at such time and place as may be designated by the above named individuals, and by the directors that may hereafter be appointed or elected, who shall at such meeting have power to pass such bylaws, (not inconsistent with the laws of this state) as to them may seem needful, for the government of the directors, and for the management and disposition of the stock, property, estate, funds and business of the company. They shall, at their first meeting aforesaid appoint the time and place for the election of directors, as also the number to be elected not less than five or more than nine, and do such other business, as to them shall seem proper, for the promotion of the interest of the company.

SEC. 4. That the above named individuals shall be the directors of said institution until others are appointed or elected and qualified, under

the provisions of this act.

SEC. 5. The directors of the Laurel Savings Institution and Insurance company, shall, at their first meeting after every annual election for directors under the provisions of the same, appoint one of their own body as president thereof, who shall preside at all their meetings and sign all contracts entered into by the company, which shall be valid, without a seal, and binding on the corporation, he shall hold his office until the next annual election, and until his successor shall be elected and qualified; and in case of his death, resignation or absence, the board shall appoint a president pro tem. that shall fill all vacancies which may occur in their own body, who shall hold their office till the next annual election, and until their successors be elected and qualified. They shall appoint such clerks, secretaries, agents and servants as may be necessary to transact their business, fix their salaries or compensation, and define their powers and duties; and the said officers and servants shall hold their respective situations at the pleasure of the board, under such restrictions, regulations and limitations as they may prescribe.

SEC. 6. The election of directors shall be by ballot, and a pluarality of votes received and counted in public, under the inspection of three

stockholders shall be sufficient to elect. That any such election, and all other meetings of the stockholders, held under the provisions of this act, each person shall have one vote for each share of stock he may own at the time, and any stockholder not attending such election or other meeting of stockholders having a right to vote, may vote by proxy, under such regulations as may be prescribed in the by-laws of the company; and should the stockholders fail to meet on the day appointed to elect their directors, it shall be lawful for them to meet on some other day under the provisions of their by-laws, and elect said directors, all of whom shall hold their offices one year from the day of their annual election, and until their successors shall be elected and appointed [qualified.]

SEC. 7. The president and directors shall hold their meetings at stated times, under their own regulations, and at such other times as the president for the time being, may order and direct, and a majority of the whole number of directors shall form a quorum; and all questions before the board shall be decided viva voce, by a majority of the directors present, any two of whom may require the yeas and nays, on any proposition submitted, to be entered on the journal of their proceedings, and no vote shall be rescinded by a less vote than was given in favor of the resolution or order at the time it was adopted or made. They shall, in the first week in January and July of each year, make out and declare such dividends of the profits resulting from their business as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders: Provided, no such dividend shall be paid on any stock that has not been fully paid, but shall be passed to the credit of such stock as part payment thercof.

SEC. 8. Said directors shall make such by-laws, rules and regulations (not inconsistent with the laws of this state,) as they may deem necessary for the good government of the company in which they shall prescribe

the manner in which stock shall be transferred.

SEC. 9. That as soon as two hundred shares are subscribed and taken, and the board of directors organized, the stockholders shall pay and secure to the company the amount of their stock, such parts thereof to be paid in cash as the directors may require, and the balance to be secured in a note to the satisfaction of the directors; and if any stockholder shall neglect, refuse or fail to pay and secure the same as above required, within thirty days after being called on by some one of the directors or servants of said corporation, either in person or by writing left at his usual place of residence, or put in the post office nearest where such stockholder usually resides, he shall forfeit the amount he has already paid, as also the stock for which he has subscribed; and when the stock of said corporation shall be paid and secured as above, (and not before) the said company may commence business.

Sec. 10. Said company shall receive deposits of gold and silver coin, and bullion and money of every description on such terms and at such rates of interest as the parties may agree upon, and shall pay the same out agreeably to contract on the demand of the depositor, and on failure to do so shall pay an interest of ten per centum per annum frem the time of such demand until the same shall be paid; and on judgments recovered on such contracts there shall be no stay of execution.

Sec. 11. That it shall be lawful for said company to invest any part of their capital stock, money, funds or other property in any public stocks or funded debts, in the stocks of any chartered bank or banks in this or any other State, and the same to sell and transfer at pleasure, and reinvest whenever, and so often as the situation of said company or a due regard for the safety of its funds [may] require, or they may discount or loan the same on real or personal security, for such periods of time and under such restrictions and limitations as the directors thereof for the time being shall deem prudent and for the best interest of the company: Provided, That contracts for interest shall not be at a higher rate than is allowed by law to individuals at the time of such contract.

SEC. 12. Said company shall not use or employ any part of the capital stock, money [or] other funds in the purchase of goods, wares or merchandize, nor shall they emit bills of credit as a circulating medium, nor in any manner engage in the business of banking, except to deal in gold

or silver coin, and bullion and bills of exchange.

SEC. 13. That it shall not be lawful for said company to hold any real or personal estate, except such as shall be necessary for the transaction of their business and such as shall be bona fide mortgaged, pledged and deeded in trust to them in the transaction of their business, and such as shall be purchased on judgments, decrees or orders, adjudged, decreed or ordered on transactions had with said company, or such as shall have been taken for a debt due them in the transaction of their business; and said company may proceed on all mortgages, deeds of trust, pledges and other securities for the collection of the same in the same manner that natural persons proceed on such securities for the purpose of converting the same into money: provided, That said corporation shall not hold real estate exceeding ten thousand dollars in value a longer period of time than two years, without offering the same at public sale if not otherwise disposed of: And, provided further, That said land, when offered for sale, shall sell for the original amount for which it was sold to said corporation; and if it will not sell for that amount it shall be offered for sale annually there. after, until it will sell for that amount.

SEC. 14. That said company shall have full power to insure all kinds of property against loss or damage by fire or any other risk whatever, and to take insurance of life or lives, and to take all kinds of marine risks whether on the rivers or seas, and to lend money on bottomry and respondentia, to cause themselves to be insured against any loss or risk they may incur in the course of their business, and to underwrite any foreign or domestic bill of exchange, bond, note or obligation, and generally to do and perform all other matters and things, connected with insurances of every description; in all of which business and transactions the said company may charge such rates of premium as may be agreed upon by

the parties.

Sec. 15. That said corporation shall not, at any time, nor under any circumstances, loan money under color or pretence of purchasing any bill of exchange, nor shall they purchase any note of hand or other legal liability, nor issue any certificate of deposit, or any papers of writing. which may be construed or made to answer the usual purpose for which the notes of the State bank or its branches, or of any other institution are designed, or can be made to answer.

SEC. 16. It shall not be lawful for said corporation to place in the hands of any person or persons directly or indirectly any money or bank notes for the purpose of loaning or discounting paper, or under any pretence whatsoever of discounting or engaging to discount any note or

draft, unless the same be presented at their counter.

Sec. 17. That in all cases where execution shall issue against said corporation, the same shall first be levied on the goods and chattels, lands and tenements belonging to said corporation as its joint property; and on a return of said execution of "no property found," or not a sufficiency of property to satisfy said execution, then and in that case the individual property of each of the corporators who were stockholders at the time the debt, demand or liability accrued, or who were stockholders at the time suit commenced on said demand, shall be held for said debt, but no execution shall issue against any stockholder in their individual character until a scire facias shall be issued against and served on them to appear and show cause if any they can, why execution shall not go against them, and upon such trial the stockholders may be permitted to plead he was not a stockholder at the time of contracting such debt, demand or liability, or that the said corporation was not liable for said debt, or any other legal cause for defence.

SEC. 18. No person shall be a director of the institution who is a di-

rector of the State bank of Indiana.

SEC. 19. The directors shall at no time be allowed to borrow money out of any branches of the State bank in their corporate capacity.

SEC. 20. It shall be the duty of said corporation to report annually to the General Assembly the progress of its business, and all the matters relative thereto.

CHAPTER LXXXII.

Mynaso rakerkongson kinggot Prije ekre it do ka ya ya bosa kilikishiko da Karalis dilunggot ogsamat ikingdo oli inang Mangotar ladi satifika kor ito

An Act to incorporate the Mount Carmel and New Albany Rail Road Company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel Hall, and William Daniel of the county of Gibson, P. S. Kintner, and Arthur Vance of the county of Harrison, Allen D. Thorn, and Samuel Lands of the county of Crawford, A. B. McCrillas of the county of Dubois, M. W. Foster of the county of Pike, Shepard A. Kitman and Prindowel M. Dorsey, of the county of Floyd, and Robert Dale Owen of the county of Posey, and Jonathan D. Essary and Adam Shoemaker of Perry

county, and all such persons as shall become stockholders agreeably to the provisions of this act shall be and they are hereby constituted a body politic and corporate in fact and in name, by the name of the Mourt Carmel and New Albany Rail Road Company, and by that name they and their successors shall and may continue for the term of seventy-five years from and after the passage of this act, and shall and may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter and renew at pleasure, and also to adopt, establish and carry into execution, such laws, ordinances and regulations, as shall by its president and directors be judged necessary or convenient for the government and management of the said company, its officers, agents, superintendents and property; and the same to change, alter, repeal, annul, and reenact; Provided, That such laws, ordinances, and regulations be not contrary to this act of incorporation, the laws and constitution of the United States or of the State of Indiana.

SEC. 2. The corporation shall have the right and power to construct, and during its existence to maintain and continue a rail road with one or more lets of [or] tracts [tracks] and with such suitable turns-out, sidelings. and other appendages as may be deemed necessary for the convenient use of the same, commercing at the mouth of the Potoka opposite the town of Mount Carmel, or some other point on the east bank of the Wabash river so as to connect most advantageously said road with the Allen and Mount Carmel Rail Road, thence on the most eligible and practicable route to a point on the Ohio river opposite the termination of the Louisville southwestern rail road on the Kentucky side, and thence to New Albany, with the privilege of extending the same to Jeffersonville if the said company should think fit so to do: Provided, however, that the directors of said company in locating said road shall not be compelled to locate the same by way of the said point on the Ohio river opposite the termination of the said Louisville southwestern rail road if they find it impracticable so to do, but they shall be at liberty to locate said road in such direction as may in their opinion best conduce to the interest of said company.

SEC. 3. The capital stock of said corporation hereby created shall be one million five hundred thousand dollars, to be divided into shares of fifty dollars each, which shall be deemed personal property, and be transferable

in such manner as said corporation shall direct by its by-laws.

SEC. 4. That the persons named in the first section of this act, shall be and they are hereby appointed commissioners whose duty it shall be, within five years from the passage of this act to open books to receive subscriptions to the capital stock of said corporation at such time or times and place or places as they or a majority of them shall think proper, giving notice thereof at least thirty days prior to the opening of said books, in each of which books the following entry shall be made. "We the undersigned promise to pay the sum of fifty dollars for each share of stock set opposite our name in such manner and proportions, and at such times as the president and directors of the Mount Carmel and New Albany rail road Company may direct. Witness our hands this day of

183 ." and that the said books shall be kept open as long as the said com-

missioners, or a majority of them shall think proper, or until two thirds of the capital stock hereby created shall have been subscribed for, and if more subscriptions shall be taken than the amount of two thirds of the said capital stock, it shall be in the power of the said commissioners, or a majority of them to apportion the stock to the said subscribers pro rata always giving the preference to the citizens of this state.

SEC. 5. That the State of Indiana shall have the right of subscribing for one third of the capital stock of the company created by this act, and shall have the appointment of three of the directors after said subscription shall have been made, which directors shall be appointed or elected in such manner as the Legislature shall direct by law: Provided, That if the Legislature shall refuse or direct [neglect] to authorize and make such subscription for the space of two years after said company shall have commenced the construction of the said rail read, then the right to subscribe shall cease, and the said company may proceed to dispose of the remaining one third part of the capital stock, and cause the same to be subscribed for and paid in, in such manner as the directors shall by the bylaws of the company direct.

SEC. 6. As soon as one thousand shares of the said stock shall be taken, and five dollars on each share are paid to the commissioners, it shall be the duty of the said commissioners, or any five of them, to give six week's notice thereof, in one or more newspapers, and in such notice appoint a time and place for the stockholders to meet and elect nine directors, and such election shall then and there be made by such of the stockholders, either in person or by proxy. Each share of the capital stock shall entitle the owner to one vote; any two or more of the raid commissioners shall be inspectors of the first election of directors of said company, and shall certify, under their bands, the names of those duly elected by a plurality of votes given, and deliver over the subscription, money, books and papers to said directors, and the time of holding the first meeting of directors shall be fixed by said commissioners.

SEC. 7. The first directors to be elected shall hold their offices until the next annual election, and until others are elected; and every election of directors thereafter shall be held annually at such places as shall be fixed by the by-laws, on the first Monday in October in each and every year; notice of the same being first given in such manner as the by-laws shall direct; every election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of votes given, either personally or by proxy, shall constitute a choice; no stockholder shall be eligible to the office of director, unless he shall own at least to the amount of one hundred dollars of stock in the said corporation. In case an equal number of votes should be given for any two or more directors, the remainder of directors shall, by ballot determine, which of said persons, so having an equal number of votes, shall be entitled to a seat at the board.

SEC. 8. In case it should so happen that an election for directors shall not be made on any day when pursuant to this act it ought to have been

made, the said corporation shall not, for that cause, be dissolved, but such election may be held at any other time, directed by the by-laws of the corporation, within nivety days after the day on which it should have been held, and the directors shall continue to act until a new board shall be elected.

SEC. 9. That the said directors, or a majority of them, may supply any vacancy accruing in the interval between the annual elections, by the death, resignation, removal or refusal to act, of any president or director, and may appoint a treasurer, a secretary and all other officers, engineers, superintendents and servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security, for the due performance of their respective duties as they may think expedient. The said directors, so soon as convenient after their election, shall elect one of their number to be president of the board of directors, whose duty shall be defined by the

by-laws of the corporation. SEC. 10. The said corporation is hereby empowered to purchase, receive and hold such lands and real estate as may be necessary and convenient for the accomplishing the objects for which this act of incorporation is granted and made, by their agents, surveyors, engineers and other persons in their employ, enter upon and take possession of, and use all such lands and real estate and materials as may be indispensable for the construction and maintainance of their rail road and appendages and the accommodations, and appurtenances required and appertaining thereto, and it shall be lawful for the said president and directors, their agents, superintendents or others in their employ, to enter, at all times, upon lands and water, to whomsoever they may belong, for the purpose of exploring, surveying, levelling or laying out any proposed route or routes for the said rail road, and to erect all necessary embankments, works and appendages of the said survey; and make such marks and monuments, to indicate and perpetuate the lines and descriptions of the said route or routes, doing no unnecessary injury to private or other property, and being liable for damages to the owner of any such lands or property, for any injury that may be done thereto; and may also acquire and hold and possess, by purchase, devise, or voluntary grant from the general or state government, or from any corporation, company, individual or individuals, any lands and real estate, within this state, to aid in the construction, maintainance and accommodation of said rail road, completely vesting in the said corporation, absolutely in fee simple, the same, with power and authority in law to pledge, mortgage, bargain and sell and convey the same, to aid in carrying into full effect, the intents and objects of this act of incorporation: Provided, That the lands to be held by this corporation, during the time of the existence of this charter, shall be confined in such lands only, as are indispensably necessary for the construction and maintainance and accommodation of the said rail road and appendages, not exceeding three hundred feet on each side of the centre line of the said rail road, and such other plats of land as shall be necessary for the erection of warehouses, engine houses, workshops, stables and other buildings on the route and at the termination of the said rail road, and all other lands and real estate

whatsoever, in any manner howsoever acquired, shall be sold and disposed of, by the said corporation, within fifteen years from and after the passage of this act, and no other lands and real estate shall be afterwards acquired by the said corporation, but all lands and real estate entered upon for materials or for the road way, which are not donated or owned by the company, shall be purchased by the corporation of the owner or owners thereof, at a price to be agreed mutually by the company and the owner or owners. In case of a disagreement as to price, and before taking any materials or making any part of the said rail road on said land in controversy, it shall be lawful for the commissioners, engineers, superintendents or other authorised person or persons of the said company to apply to some justice of the peace in and for the county in which the lands may be situated, who shall cause twelve freeholders, not interested in the lands or materials in controversy or in any way likely to come into controversy, to be summoned, who being sworn, faithfully and impartially to examine the materials or grounds to be pointed out to them by the commissioner, engineer, superintendant, or other authorised person or persons, and reasonable notice having been given to the owner or owners of the property, if known and residing in the state, said freeholders shall assess the damages which they shall believe such owner or owners will sustain. over and above the additional value which such lands, or other lands of the same owners in the vicinity, will derive from the construction of the said rail road, and make a report, signed by at least a majority of them, one of which they shall deliver to the commissioner, engineer, superintendent or other person or persons, requiring said view and assessments, and the other to the justice of the peace, and the amount of damages, if any, and the costs, being paid to the owner or owners, or deposited with the clerk of the circuit court of the said county, for said owner or owners, the road may be forthwith located, constructed, and materials taken without any let or hindrance by the said owner or owners, their heirs or assigns, and the circuit court of the proper county, acting and sitting as a court of chancery, in case no appeal is taken as hereinafter provided for, may order and direct a conveyance of the land, so indispensable and necessary to the construction of the said rail road, to be made to the said corporation. If either party shall be dissatisfied with the valuation, where lands are in question, an appeal may be taken in thirty days, to the circuit court of the county in which the lands are situated, by petition, setting forth the facts of the case, describing the lands and the premises, and the necessity of such lands for making and maintaining said rail road and appendage, and the attempt and failure to purchase the same, with the name and residence of the owner or owners of the same, if known, and the reasons why the purchase cannot be made, and the circuit court aforesaid, acting and setting as a court of chancery, shall direct such notice to the owner and parties, as shall be deemed reasonable, of the time of hearing the parties: Provided, That in case the appellee shall have seven day's notice of the taking of the appeal, no further notice shall be necessary, but said court shall proceed to hear and determine said case, as speedily as practicable, and upon proof of the service of notice of the appeal, and upon hearing the testimony of the parties,

(which may be taken orally or by deposition) it shall make such order and decree in the premises, as to it may seem proper and equitable, and may either increase or diminish the amount of damages assessed, or reject the said petition altogether, and shall also make such order for the payment of costs as shall be just and proper. It shall order a conveyance of the land in controversy, to be made to the corporation, when the decree of the court shall be complied with, on the part of the corporation. Whenever said order and decree shall be fully complied with, on the part and behalf of the said corporation, it shall be possessed of the land in controversy, and may enter upon and take possession of, and use the same for the purposes of the said road. Where a difficulty shall arise, as to the value of materials which may be needed to construct said work, or the amount of damages done by the agent of the company, passing through said land, collecting materials aforesaid, there shall be no appeal to the circuit court; but in case it shall appear to the justice, that it is right and necessary to justice, he may set aside the first valuation: (Provided, The same shall be done in three days after the return of the report of the freeholders.) and appoint twelve other commissioners, being freeholders, to appraise and value the materials or damages last aforesaid, whose award in the premises shall be final, and who shall apportion the cost as may appear just on one or both of the parties.

SEC. 11. In case any married, woman, infant, idot, or insane person or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the circuit court or justice of the peace shall appoint some competent and suitable person to appear before said freeholders or commissioners or said circuit court, and act for and on behalf of such married, woman, infant, insane person, idiot or

non-resident of the state.

Sec. 12. The said president and directors shall cause such examination and surveys for the said rail road to be made as may be necessary to the selection by them of the most advantageous line, location, course or way for the said rail road on the route set forth in the second section of this act, and shall after such examinations and surveys shall be made, select, and by certificates under their hands and seals or under the hands and seals of a majority of them, and designate the line, location, course or way, which they or a majority of them shall deem most suitable and advantageous for said rail road, a copy of which certificate shall be filed in the office of the secretary of state of this state, to be by him recorded and preserved at the cost and charges of the corporation, which line, location, course, or way on which the corporation shall construct, erect, beild or make the rail road contemplated by this act, unless the said corporation shall afterwards find it necessary to change or alter the same.

SEC. 13. When the route, line, location, course or way of the said rail road, or any division, portion or section thereof shall be determined upon as provided for in the proceding section, it shall be lawful for the said company by its officers, agents, engineers, superintendents, contractors, and workmen, to enter upon the said line or location of the road, and to erect embankments, bridges, viaducts, culverts and all other works necessary to lay rails thereon and to do all other things which shall be suitable

and necessary for the effectual completion of the said road, and so soon as said road, or any division, section or portion thereof shall be completed and ready for use, the said corporation are hereby authorized and empowered to procure and place cars and carriages thereon for the purpose of transporting persons and every description of property thereon and may use any description of power or powers on the said road that they may deem most useful, safe and expedient. The president and directors shall, by rules and regulations to be adopted and published from time to time regulate the time of departure and arrival of cars and carriages, the rate of speed or travel on the said road, the description of cars or carriages to be employed, the weight of load for each and all, and every matter and thing necessary for the safety and accommodation of persons and property to be by them transported on the said rail road, and the said corporation shall be liable for the acts and doings of their officers, agents and other persons in their employ and engaged in the transportation of persons and property on the said road, in like manner as all common carriers are liable in law.

SEC. 14. The said corporation is hereby authorized to transport persons and property on the said rail road, and shall have power to creet and maintain toll-houses, ware-houses, engine and carriage houses, work shops and other necessary buildings for the accommodation of their concerns, and from time to time to fix, regulate, demand and receive the tolls and charges to be by them received for the transportation of persons and property, and for the storage of merchandise and other property placed under their charge: Provided, that the nett toll and charges after deducting the amount of all costs and expenses in maintaining the said rail road and appendages, and a reasonable allowance for the wear and tear of the same, and of the carriages and cars used thereon, the wear and tear of buildings and bridges, their insurance against accidents by fire, and also incidental charges of transportation, and officers and servents of the company shall not exceed fifteen per cent. per annum on the capital stock invested by the said corporation for ten years taken together.

SEC. 15. Seven directors of the said corporation shall form a board, and they or a majority of them shall be competent to transact all the business of the corporation, and it shall be lawful for the said directors to require payment of the same [sum] to be subscribed to the capital stock, at such time and in such proportion and on such conditions as they shall deem fit and right, and shall give notice of the payments thus required and of the place and time the same are to be paid, at least twerty days previous to the day of payment, in some newspaper printed in this state, nearest the route of said road, and they are authorized to receive new subscriptions to any of the capital stock not previously taken and subscribed for, under such regulations as they shall prescribe by the by-laws, and to give notice thereof at least thirty days previous to the opening the books to receive such subscriptions.

SEC. 16. Whenever it shall be necessary for the construction of the rail road, to intersect or cross any stream of water or water course or any road or highway, between the places mentioned in the second section of this act, for the commencement and termination of said road, it shall be lawful

for the corporation to construct said rail road across the same, but the said corporation shall restore the said stream, or water course, or road, or highwaythus intersected, to its former state or in such a manner as notto impair its usefulness.

SEC. 17. The said corporation may at their option construct their bridges, viaducts and crossways of sufficient width to admit of the passage of the common road travel, and may demand take and receive such reasonable toll for the passage of persons, waggons, vehicles and stock over the said causeways, bridges and viaducts, as may be fixed by the said corporation, and printed and posted up at some conspicuous place on or near the said structure or causeways; and may also construct such lateral branches to the said rail road for the accommodation of points not accessible by the main line, as they may think proper, which said lateral branches shall be made under the same regulations and restrictions as the main line.

Sec. 16. The state of Indiana reserves the right of crossing the said rail road at the expense of the state in any internal improvement hereafter deemed expedient by the legislature; and said incorporated company in crossing any stream with said rail road shall not impair the navigation thereof, and the state reserves the right of improving the navigation of said streams in any manner the legislature may direct or authorize, and the said incorporated company shall not accept or avail itself of any right of pre-emption to any land within this state by any act the Congress of the United States may pass, under a forfeiture of charter, and whenever the incorporated company shall locate the said road, it shall as soon as practicable publish it, in which the precise route shall be stated, in three different newspapers of this state, three weeks successively, one of which shall be printed in Albany after such location and publication it shall not have the right of relocating any part of the road so as to run more than two miles from the route as published.

SEC. 19. The whole of the stock of the corparation, except that portion subscribed by the state shalf be deemed personal property which together with all tools, implements, machinery and apparatus of every description used and employed, or on hand and belonging to the said company, shall be liable to be seized, executed and sold, after judgment or decree, to make good any contract, agreement or stipulation made by any agent, superintendent or other authorized person or persons of said company.

Sec. 20. It shall and may be lawful for the president and directors of the corporation, to borrow money from time to time for the sole purpose of constructing the rail road hereby authorized to be made, and to pledge the property of the corporation, real, personal and mixed, for the repayment thereof with the interest thereon accruing: Provided, That if the state shall become a joint stockholder in said corporation, only two thirds of the property belonging to said corporation shall be so pledged, and the shares or interests which the state shall acquire in the said property or corporation shall in no event be pledged or mortgaged, without the consent of [the] Legislature first had and obtained.

SEC. 21. At the expiration of fifty years from the completion of said rail road, the Logislature of the state may cause an appraisement of the

said road and the appendages thereof, to be made by six persons, three of whom shall be chosen by the Legislature, and three by the said corporation, who or a majority of them shall report the value thereof to the gov. ernor within one year from the time of their appointment, or if they cannot agree they shall chose a seventh person who with the sixth, or a majority of the whole shall report as aforesaid, or in case the said company shall refuse or neglect to appoint three persons within two mouths after the said appointment by the Legislature, then the three persons so appointed by the Legislature shall proceed to make such appraisement which shall be binding on the corporation, and thereupon the state shall have the privilege for two years of taking said road and its appendages. and property, upon the payment to the company of the amount of the said reported value thereof within one year electing to take said road; which report shall be filed in the office of the Secretary of State of this state and upon such payment the whole property and interest of said road and appendages thereof shall be vested in the state of Indiana.

SEC. 22. If this road shall not be commenced within five years from the passage of this act, and completed within fifteen years thereafter, this act shall be void, unless further time shall be given by the Legislature

to complete the same.

SEC. 23. This act shall be deemed and taken as a public act, and as such shall be taken notice of by all courts of justice in this state, without the necessity of pleading the same and shall be in force from and after its

passage.

SEC. 24. That should the Congress of the United States make a donation of land to aid in the construction of said rail road, which may be accepted by said corporation, then and in that case, the United States in time of war shall have the right to transport troops munitions of war, and provisions free of toll, or other charge on said road.

SEC. 25. Should the capital stock herein created not be sufficient to complete the contemplated work, the corporation may increase the

same.

CHAPTER LXXXIII.

An act to incorporate the Lafayette and Michigan Turkpike Company.

(APPROVED, FEBRUARY 4th, 1827.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Benjamin Reynols, William M. Kenton, Zebulon Sheets, William Sile and Dr. Reiffenberrick of the county of White, William Teal, James M. Scott, William S. Clark, and Allen Clark, of the county of Laporte, and Jacob Walker, Moses Rush and William M. Jenners of the county of Tippecanoe, Henry Owen of Carroll county and their successors in office duly elected, as hereinafter directed are hereby constituted and appointed a body corporate and politic for the purpose of constructing a turnpike

road from the town of Lafayette by way of the Tippecanoe Battle Ground and Monticello to Michigan City, and by the name and style of the president and directors of the "Lafayette and Michigan City Turnpike Company," shall be able and capable in law and equity to have perpetual succession and all the privileges and immunities incident to a corporation, to sue and be sued, defend and be defended against, implead and be impleaded, in all courts of competent jurisdiction to make and use a common seal, and the same to alter, break, change and renew at pleasure, and shall be able to make and enforce contracts under their said corporate name and all by laws, rules, regulation to enable them to carry into effect the provisions of this act and the objects herein contemplated not repugnant to the constitution and laws of this state.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars to be divided into shares of twenty five dollars each, and to be increased by said company at their pleasure to an amount sufficient to

complete said road and bring it into complete operation.

SEC. 3. The said President and directors of the Lafayette and Michigah City Turnpike Company, shall at any time after the passage of this act, by themselves or agents have full power and authority to examine, survey, mark and locate the route for a turnpike road from Lafayette by way of the Tippecauoe Battle Ground and Monticello, to Michigan city, on the nearest and best ground for the interest of said corporation and the public convenience.

SEC. 4. The individuals named in this act or a majority of them at such times or places as they may agree upon, shall meet and organize said corporation by electing one of their body president, and aftersuch organization any three of said board shall constitute a quorum to do business, but after an election for directors it shall require five to form a quorum.

SEC. 5. The president and directors shall have full power to employ all necessary agents to carry into effect the provisions of this act; they shall keep a journal of their proceedings, in which shall be entered all by laws and regulations, and all orders for the disbursements of money which journal shall from time to time be read and corrected and signed by the president, they may sit on their own adjournments or on the call of the president or any three directors, shall fill all vacancies in their own body and when the president is absent may appoint a president pro tem.

SEC. 6. The president and directors of said corporation shall cause books to be opened for the capital stock at such times and places as they may think fit, due notice having been given by publication in some public newspaper in this state, in each of which books the following entry shall be made." "We the undersigned promise to pay the sum of twenty five dollars for each share of stock set opposite our names in such manner and at such times as the directors of the Lafayette and Michigan City Turnpike Company may direct. Witness our hands this day of

SEC. 7. It shall be lawful for all persons of lawful age or for the agent of any corporate body to subscribe for any amount of the capital stock; and the said corporation shall have power to offer in any other state, such an amount of capital stock as they may deem fitting, and they shall have power on their own credit to borrow money on such terms as may be

agreed upon. This corporation may require such sum of money to be paid at the time of subscribing not exceeding ten dollars on each share, as they may think proper and the amount required to be paid shall be made known in the notice for opening the books and any future payments shall

be under the control of the corporation.

SEC. 8. As soon as five hundred shares are subscribed for in said corporation and one dollar paid on each share, it shall be the duty of the corporation having received suchs ubscription, to give three weeks notice thereof in some newspaper in this state, and in said notice appoint a time and place for the stockholders to meet and elect eleven directors who shall be stockholders and citizens of this state, which election shall be by ballot and conduited under the superintendance of one inspector and two judges appointed by the stockholders present, and the persons having the highest number of votes shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election; in all elections each share shall cutile the holder to one vote only, to be given by the person owning the same or by one of any partners, or by the husband, father, mother, administrator or executor or trustee or guardian or by the agent of any corporation or any person having a right to vote may vote by proxy.

SEC. 9. It shall be the duty of the directors elected at all subsequent elections to meet as soon thereafter as may be convenient and elect one of their body president. The president and directors thus elected shall continue in office until the next annual election and until their successors.

shall be elected and qualified.

SEC. 10. All elections after the first shall be held on the first Monday in September annually, of which election public notice by advertisement in some newspaper shall be given, and should no election be held on the day appointed by this act, it shall be lawful to hold an election on any subsequent day under another notice, the president and directors retaining their office until their successors are appointed and qualified.

SEC. 11. The said president and directors are hereby authorized and empowered to borrow any sum of money upon their own credit which in their opinion may be deemed necessary, not exceeding the amount of their capital stock to aid in the construction of said work; but said corporation shall not engage under any pretence whatever in banking business for the purpose of issuing bills of credit or bills of deposits or of any other de-

scription to pass as a circulating medium.

Sec. 12. Certificates of stock shall be given to the stockholders which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk. The stock shall be transferable on the books of the corporation only, or by an agent or attorney, or by administrator, executor, trustee, guardian or any stockholder in his own person, but such stock shall at all times be holden by the corporation for any dues from the holder thereof to the corporation or for any sums that may thereafter become due on a contract made prior to such transfer.

SEC. 13. This corporation shall have power to call for such portions of the stock subscribed not exceeding twenty-five per centum every six months as they may think proper, to be paid at such time and place as

they may designate, by giving sixty days notice in some newspaper in this state or by given written notices to the stockholders, in which shall be specified the amount demanded or each share and the time and place of payment; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for in any court of competent jurisdiction, and recover the amount with two per centum interest thereon, per month, and if the amount cannot be made on execution, or if such delinquent is out of the state, then such corporation may by an order on their books, declare the stock owned by such delinquent, forfeited, together with the amount the owner thereof may have paid on the same; and no such delinquent before the forfeiture of his stock shall have a right to vote for stockholders or receive any dividend on his stock until the demands of the corporation are fully satisfied. The corporation shall require of all officers and others in their employ, bonds with security as they may think proper, for the faithful discharge of their duty.

SEC. 14. For the purpose of making the examination and location of said road, they are hereby authorised to enter upon the land of any person, by their agents, to make surveys and estimates, and in search of the materials necessary for the construction of said road, but no stone or gravel or other materials shall be taken from the land of any person, without the consent of the owner thereof, until the rate of compensation be fixed

and paid.

SEC. 15. It shall be lawful for said corporation to obtain from the owners of land, through which said contemplated road may run, relinquishments of land sufficient for the construction of the road, as also the necessary stone, gravel, and other materials that may be obtained, on the route, and may contract for stone, gravel and other materials convenient thereto, and may receive by donation, gifts, grants, bequests, moneys, labor or property, for the benefit of the corporation, and all such grants, donations, gifts or bequests made by persons competent in law to contract, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may and shall have their action at law, to compel a compliance thereto: Provided, That all such contracts, donations, gifts and bequests be made in writing, by the person making the same.

Sec. 16. That in all cases, when any person through whose land said road may run, shall refuse to relinquish his land, or where a contract with the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such circumstances may exist or occur, and such justice shall thereupon summon the owner of the land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested men of the neighborhood, or such number as may be agreed on by the parties, who shall, after having taken an oath, faithfully and impartially to assess the damages, if any, view the land and materials; and after having taken into consideration the advantages as well as the disadvantages the road may be to the same, shall report thereon, whether such person is entitled to damages or not; and if any, what amount of damages, and shall file such report with

such justice; whereupon, said justice shall enter judgment thereon, unless for good cause shown; and in case either party can show good cause why the justice should grant a review, he shall order the same to be reviewed, either with or without costs, either party may appeal to the circuit court of the proper county, as in other cases, and the cause shall there be tried, de novo, and final judgment rendered, and said court shall appoint reviewers, who may report at that or the succeeding term, until

which report judgment shall not (be) rendered.

SEC. 17. In all cases where the owner is a minor, insane person, or shall reside out of the county, where such land may be, such justice shall cause three notices to be stuck up of the time and place of appointing reviews; and if no person appears, he may adjourn the trial for two weeks, at the end of which time, he shall appoint a guardian, ad litem, or committee, to act for such minor or insane person, as the case may require, to act for the minor or insane person, in the suit aforesaid; but such appointment need not be made, if the guardian at law, or committee of the estate of such person appear to defend; and he shall then proceed, as in other cases, and on judgment being rendered, and the corporation complying therewith, by paying of costs and damages or both, against them, the corporation shall be seized of the lands and materials; costs shall be allowed or accorded against either party, at the discretion of the justice.

SEC. 18. If it shall be found necessary to the construction and location of said road, the corporation shall have the right to lay the same along or upon any county or state road: Provided however, That before such location shall be made, the corporation shall apply to the board of county commissioners of the proper county, for such right, and said board is hereby required, if they deem it to be for the public good, to grant such right,

and shall enter the same on the records of the proper county.

SEC. 19. That when said corporation shall have obtained the right of way, as herein provided for, they shall have the sole use and occupancy

of the land, on which the same is located.

Sec. 20. The corporation shall commence the construction of the road within five years, and complete the same within twenty years from its commencement: Provided, That if any part of the road shall be completed, the charter shall not be forfeited, as to that part of the road which is completed, although the residue of the road may not have been completed within the said time.

SEC. 21. The corporation shall cause said road to be opened, not exceeding sixty feet wide, at least twenty feet of which shall be thrown up into a curve, in such a manner as to secure a firm, substantial and even road, and shall constantly be kept in repair, and in no case shall the as-

cent of the road be greater than five degrees.

SEC. 22. That when said road or any particular section thereof shall be located, it shall be the duty of said corporation to cause a plat thereof to be filed in the office of the Secretary of State, and after that time it shall not be lawful for the corporation to alter or change said road, unless by contract, with the proprietor of the lands over which the proposed change is to be made.

SEC. 23. That if said [road], after its completion, or any section there-

of, shall be suffered to go to decay, so as to be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited.

SEC. 21. So soon as the corporation shall have completed their road, or any section of five miles thereof, an agent shall be appointed by the Governor, who shall examine said road or section, and report whether the same be finished according to the provisions of this act, which report shall be entered on the journals of the corporation; and if the same be favorable, showing the completion of said road, or any section thereof of five miles in length, according to the provisions of this act, the said corporation shall be at liberty to erect toll gates, not less than five miles apart, and demand and receive of persons travelling said road, such tolls as may be sufficient to indomnify the stockholders for their money, laid out on said road, and pay a reasonable interest on the same, after paying expenses.

SEC. 25. If any person or persons using said road, shall, with a view or intent to defraud said company, pass through any private gate or bars or along any other ground near to this turnpike, or shall practice any fraudulent means to lessen the payment of such toll, each and every person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay-to such company, the sum of five dollars, without any stay of execution, to be recovered by action of debt, at the suit of the corporation, before any justice of the peace: Provided, That nothing in this act shall be so construed, as to prevent persons residing on said road from passing thereon about their premises, between the gates, for common and ordinary turiness.

Sec. 26. If the said corporation shall full for ten days in succession to keep said road in repair, and complaint thereof to be made to a Justice of the Pence of the county, it shall be his duty forthwith to summon three disinterested free holders to examine the same, and he shall give notice to the nearest toll gatherer of the time when, said freeholders will proceed to examine that part of the read complained of; and the said free holders after having taken an oath or affirmation to act impartially shall proceed in the examination, and if they shall find the same out of repair they shall certify it to said justice, whose duty it shall be forthwith to transmit a copy of such certificate to the nearest tell gatherer on su h road and from the time of receiving the same, it shall not be lawful to charge any toll on the section of the road for ten miles, where such road is out of repair, until the same have been put into full and complete repair, under penalty of five dollars for every such offence to be recovered of said corporation by action of debt at the suit of the party aggricved and for his benefit.

SEC. 27. The company shall put up a post or stone at the end of every mile, with the number of miles from Lafayette truly cut or painted thereon, and also in a conspicuous place near each gate shall be placed a board with the rates of toll fairly painted thereon, and such other matter in relation to directions as may be necessary, and any person injuring, defacing or destroying any guide boards, mile posts or stones, or printed list or rates of toll, or any part of said road, or any gate or toll house thereon,

shall forfeit and pay a sum not exceeding one hundred dollars, to be recovered with costs of suit, before any justice of the peace in an action of

debt brought by said company.

SEC. 28. If any toll gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed he shall for every such offence forfeit and pay a sum not exceeding ten dollars to be recovered with costs of suit, before any justice of the peace having competent juris. diction, at the suit of the party injured. Provided, That if no suit or action shall be commenced within thirty days from the time of incurring the

penalty, the same shall be barred.

SEC. 29. The corporation shall cause to be kept a fair account of the whole expense of making and repairing said road or any section thereof, with all incidental expences; and also a fair account of the toll received, and the State shall have the right to purchase the stock of said company at any time after twenty years on paying said corporation a sum of money which together with the toll received shall equal the costs and expenses of said turnpike road as aforesaid with an interest of twelve per centum per annum and the books of the corporation shall always be open for the inspection of any agent of the State appointed for that purpose by the Legislature, and if the said corporation shall neglect or refuse to exhibit at any time thei account agreeably to this section, when thereto required, then all the rights and privileges granted by this act shall cease and be at an end.

SEC. 30. The said corporation shall be and are hereby authorized and empowered to demand and receive the same toll and proceed in the same manner to collect the same from the driver, owner or owners of any stage, carriage or sleigh, in which shall be conveyed the mail of the United States, as they have by this act a right to do, from the drivers of similar carriages and sleighs drawn by the same number of horses, in which no mail is carried any law to the contrary notwithstanding. Provided, That nothing herein contained shall be so construed as to empower said corporation their agent or agents to stop or detain any person, carriage, sleigh, or horses while actually employed in the conveyance of said mail.

SEC. 31. It shall be lawful for the county commissioners of each and every county through which said read may run or pass for and on behalf of such county, to authorize by an order as much of the stock to be taken

as they may think proper.

SEC. 32. This charter is to be limited to fifty years in its duration. This act to be in force from and after its passage, and shall be taken and considered as a public act, in all courts of record within and out of this State, as also in courts of justices of the peace; and shall be beneficially construed.

CHAPTER LXXXI.

An Act to incorporate the Farmers and Mechanics Savings' Institution of Floyd County.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That P. M. Dorsey, T. M. Parker, James Croxall, Franklin Thurston. Isaac Stewart, J. B. Winstandly, Solomon Malbon, M. C. Foster, H. L. Ross, J. W. Lyons, A. A. Ross, R. R. Schively, H. W. Smith, Thomas Riddle, Charles A. Tyler, H. Beeler, J. M. Morrison, George Hurley. David Wilkinson, J. W. Welthen, David Byrne, Josiah Crockett, J. M. Bolin, John Porter, John Nicholson, Thomas Collins, W. Langwell, William Cassel, Nathaniel Stephenson, John Trueman, James M'Affee, E. L. Connelly, Benjamin Hine, S. Sistoff, J. R. Franklin, John Reede. S. P. Applegate, John M. Clement, John M. Nicholson, James A. Brisby, John Caley, S. Richards, W. Beeler, N. Huff, J. Ogle, B. Senix, Henry Washam, T. B. Green, John Stephens, Thomas L. R. Pierce, James Mitchell, Wm. B. Breedlove, Benjamin Taylor, A. F. Jones, J. P. Jones. Joseph S. Abrams, J. Brooks, William Hardin, Shephard Whitman. Wm. J. lawell, A. E. Stephenson, Christian Sheely, Tighlman Clark, Jacob Cassel, O. Childs, H. Co'lins, P. Leyden, H. Watty, E. Potter, F. Moore, B. Jackson, David W. Norris, M. Acheson, H. S. Wilson, Wm. Wayman, Daniel Dwycr, W. S. Wilson, Wm. S. Stever, J. C. Jocelyn, Wm. Armstrong, James Flanigan, J. F. Husby, F. A. Hutchinson, Wm. Bullen, S. B. Evans, D. M. Hooper, John Young, Wm. Clark, Madison Swift and their associates and successors be and the same are hereby created and made a corporation and body politic, who shall by the name and style of "the Farmers' and Mechanics' Savings Institution of Floyd county," be able and capable in law to hold and dispose of property as hereinafter provided; and to see and be sued, plead and be impleaded, answer and be answered unto and defend and be defended in any other court of law or equity, or in any place what oever; and to receive and make all deeds. transfers, contracts, covenants, conveyances, and grants whatsoever; and generally to do any other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design of the corporation; and shall have power to make and use a common seal, and the same to change and renew at pleasuie.

SEC. 2. The capital stock of said corporation shall be two hundred thousand dollars, to be divided into shares of fifty dollars each, and to be subscribed and paid for by individuals, companies or corporations under the direction of Patriot Leydon, John Coleman, P. M. Dorsey, Nathaniel Stevenson, William Harden, Shephard Whitman, John B. Winestandly, Henry W. Smith, Henry Collins, Jared C. Jocelyn, H. S. Ross, H. S. Wilson, Thomas M. Parker, H. Beeler, Jacob Cassel, Franklin Thurston, and M. C. Foster, and any five of them; whose duty it shall be to give three weeks notice of the time and place of opening books of subscripit shall be the duty of persons or corporations taking stock, to pay at the time of subscribing for the same, one dollar on each share for which they shall subscribe.

SEC. 3. That the stockholders shall meet together in general meeting, once in each year at such time and place as may be designated by the individuals named in the second section of this act, and by the directors that may heren's r be appointed or elected, who shall at such meeting have power to pass such by-laws, (not inconsistent with the laws of this state) as to them may seem needful, for the government of the directors, and for the management and disposition of the stock, property, estate, unds and business of the company. They shall, at their first meeting aforesaid appoint the time and place for the election of directors, as also the number to be elected not less than five or more than nine, and do such other business, as to them shall seem proper, for the promotion of the interest of the company.

SEC. 4. That the individuals named in the second section of this act, shall be the directors of said institution until others are appointed or

elected and qualified, under the provisions of this act.

SEC. 5. The directors of said institution shall at their first meeting after the passage of this act, and at their first meeting after every annual election for directors under the provisions of the same, appoint one of their own body as president thereof, who shall preside at all their meetings and sign all contracts entered into by the company, which shall be valid, without a seal, and binding on the corporation, he shall hold his office until the next annual election, and until his successor shall be elected and qualified; and in case of his death, resignation or absence, the board shall appoint a president pro tem. for the time being they shall fill all vacancies which may occur in their own body, who shall held their office until the next annual election, and until their successors may be elected and qualified. They shall appoint such clerks, secretaries, agents and servants as may be necessary to transact their business, fix their salaries or compensation, and define their powers and duties; and the said officers and servants shall hold their respective situations at the pleasure of the board, under such restrictions, regulations and limitations as they may prescribe.

Sec. 6. The election of directors shall be by ballot, and a pluarality of votes received and counted in public, under the inspection of three stockholders shall be sufficient to elect; that at every such election, and at all other meetings of the stockholders, held under the provisions of this act, each person shall have one vote for each share of stock he may own at the time, and any stockholder not attending such election or other meeting of stockholders having a right to vote, may vote by proxy, under such regulations as may be prescribed in the by-laws of said company; and should the stockholders fail to meet on the day appointed to elect their directors, it shall be lawful for them to meet on some other day under the provisions of their by-laws, and elect said directors, all of whom shall hold their offices one year from their general or annual election, and until

their successors shall be elected and qualified.

Sec. 7. The president and directors shall hold their meetings at stated times, under their own regulations, and at such other times as the president for the time being, may order and direct, and a majority of the whole number of directors shall form a quorum; and all questions before the beard shall be decided viva voce, by a majority of the directors present, any two of whom may require the yeas and nays, on any proposition submitted, to be entered on the journal of their proceedings, and no vote shall be rescinded by a less vote than was given in favor of the resolution or order at the time it was adopted or made. They shall, in the first week in January and July of each year, make out and declare such dividends of the profits resulting from their business as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders: Provided, no such dividend shall be paid on any stock that has not been fully paid, but shall be passed to the credit of such stock as part payment thereof.

SEC. 8. Said directors shall make such by laws, rules and regulations (not inconsistent with the laws of this state, and the by-laws of the company) as they may deem necessary for the good government of the company in which they may prescribe the manner in which stock shall be

transferred.

SEC. 9. That as soon as four hundred shares are subscribed and taken, and a board of directors organized, the stockholders shall pay and secure to the company the whole amount of their stock, such parts thereof to be paid in each as the directors may require, and the balance to be secured in a note to the satisfaction of the directors; and if any stockholder shall neglect, or fail to pay and secure the same as above required, within thirty days after being called on by some one of the directors or servants of said corporation, either in person or by writing left at his usual place of residence, or put in the post office nearest where such stockholder usually resides, he shall forfeit the amount he has already paid, as well as the stock for which he has subscribed; and when the stock of said company shall be paid and secured as above, (and not before) the said company may commence business.

SEC. 10. Said company shall receive deposits of gold and silver coin, and bullion and money of every description on such terms and at such rates of interest as the parties may agree upon, and shall pay the same out agreeably to contract on the demand of the depositor, and on failure to do so shall pay an interest of ten per centum per annum from the time of such demand until the same shall be paid; and on judgments recover-

ed on such contracts there shall be no stay of execution.

SEC. 11. That it shall be lawful for said company to invest any part of their capital stock, money, funds or other property in any public stocks or funded debts, in the stocks of any chartered bank or banks in this or any other State, and the same to sell and transfer at pleasure, and reinvest whenever, and so often as the situation of said company or a due regard to the safety of its funds [may] require, or they may discount or loan the same on real or personal security, for such periods of time and under such restrictions and limitations as the directors thereof for the time being shall deem prudent and for the best interest of the company:

Provided, That contracts for interest shall not be at a higher rate than is

allowed by law to individuals.

Sic. 12. Said company shall not use or employ any part of the capital stock, money [or] other funds in the purchase of goods, wares or merchandize, nor shall they emit bills of credit as a circulating medium, nor in any manner engage in the business of banking, except to deal in gold or silver coin, and bullion and bills of exchange and other negotiable

SEC. 13. That it shall not be lawful for said company to hold any real or personal estate, except such as shall be necessary for the transaction of their business and such as shall be bona fide mortgaged, pledged and decded in trust to them in the transaction of their business, and such as shall be purchased on judgments, decrees or orders, adjudged, decreed or ordered on transactions had with said company, or such as shall have been taken for a debt due them in the transaction of their business; and said company may proceed on all mortgages, deeds of trust, pledges and other securities for the collection of the same in the same manner that natural persons proceed on such securities for the purpose of converting the same into money: provided, That said corporation shall not hold real estate an unreasonable time, but shall sell all that may be taken as above as soon as they can conveniently turn the same into money, to the amount of the original debt and interest.

SEC. 14. That said company shall have full power to insure all kinds of property against loss or damage by fire or any other risk whatever, and to take insurance of life or lives, and to take all kinds of marine risks whether on the rivers or seas, and to lend money on bottomry and respondentia, to cause themselves to be insured against any loss or risk they may incur in the course of their business, and to underwrite any foreign or domestic bill of exchange, bond, note or obligation, and generally to do and perform all other matters and things, connected with insurances of every description; in all of which business and transactions the said company may charge such rates of premium or interest as may be argeed

upon by the parties.

SEC. 15. That said corporation shall not, at any time, nor under any circumstances, loan money under color or pretence of purchasing any bill of exchange, nor issue any certificate of deposit, or any other paper or writing, which may be construed or made to answer the usual purpose for which the notes of the State bank or its branches, or of any other insti-

tution are designed, or can be made to answer.

SEC. 16. It shall not be lawful for said corporation to place in the hands of any person or persons directly or indirectly any money or bank notes for the purpose of loaning or discounting paper, or under any pretence of discounting or engaging to discount any note or draft, unless

the same be presented at its counter.

Sec. 17. That in all cases where execution shall issue against said corporation, the same shall first be levied on the goods and chattels, lands and tenements belonging to said corporation as its joint property; and on a return on such execution of "no property found," or not a sufficiency of property to satisfy said execution, then and in that case the individual

property of each of the corporators who were stockholders at the time the debt, demand or liability accrued, shall be held for said debt, but no execution shall issue against any stockholder in their individual character until a scire facias shall be issued against and served on them to appear and show cause if any they can, why execution shall not go against them, and upon such trial the stockholder may be permitted to plead that he was not a stockholder at the time of contracting such debt, demand or liability, or that the said corporation was not liable for said debt, or any other legal cause for defence.

SEC. 13. It shall be lawful for all executors, administrators, guardians, and receivers appointed by any court, sheriff, constables, clerks of the courts, and all persons holding money in a representative character, to deposit the same in the office of said corporation on the usual terms of said corporation as to interest and the re-payment thereof, and such deposit shall be deemed and taken in allcourts of this State to be due dili-

SEC. 19. This charter shall be limited to fifty years, and shall take

effect and be in force from and after the passage of this act.

SEC. 20. That Palmer Patrick, Corydon Richmond, Damon G. Noble, Eaos Adamson, William Wright, Neal Hardy, and John A. Lewis, together with all other persons who may associate themselves with them for that purpose, and their successors in office elected and qualified as herein prescribed, be and they are hereby created a body public [politic,] and corporate, by the name and style of The Pendleton and Huntsville Savings Institution, and by that name may sue and be sued in all the courts of this State or elsewhere, and shall have and exercise all the powers, privileges. benefits and immunities, be subject to all the restrictions and limitations. and be governed and regulated in all respects as are granted and limited to the said Farmers and Mechanics Savings Institution of Floyd County, as hereinbefore provided, so far as the same can be made to apply to the said Pendleton and Huntsville Savings Institution.

SEC. 21. The persons above named shall open books for the subscription of Stock at such time and place in the town of Pendleton and Hunts. vile as they or a majority of them may agree upon for opening the same by three manuscript advertisements put up at three of the most public places in the said town, and said corporation shall elect its officers and proceed in the transaction of its business, in all respects as hereinbefore provided for in the case of the Farmers and Mechanics Savings Institution

of Floyd county.

SEC. 22. That Elisha P. Jones, John F. Jones, John C. Hubbard, Wm. Washburn, John P. Abbott, Wm. P. Kiser, and David Dietz, together with all such persons as may associate themselves with them for that parpose, and their successors in office elected and qualified as herein prescribed, be and they are hereby created a body politic and corporate by the name and style of the "Columbus Savings Institution," and by that name may sue and be sued in all the courts of this State or clewhere, and shall have and exercise all the powers, privileges, benefits and immunities, be subject to all the restrictions and limitations and be governed and regulated in all respects as are granted and limited to the said "Farmers and Mechanics Institution of Floyd County," as hereinbefore provided, so far as the same can be made to apply to the said Columbus Savings Institutution.

SEC. 23. The persons above named shall open books for the subscription of stock at such time and place in the town of Columbus as they or a majority of them may agree on, after having first advertized the time and place on (for) opening the same, by three manuscript advertisements put (up) at the most public places in said town and said corporation shall elect its officers and proceed in the transaction of its business in all respects as hereinbefore provided.

CHAPTER LXXXV.

An act to amend an act, entitled "An act, to incorporate Michigan City," Approved February 8th 1836.

(APPROVEED FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That said city shall be organized and considered as one ward until the second Tuesday in April, eighteen hundred and forty one, and until it shall have been divided into wards, and until each ward shall have elected two aldermen. The common council, of said city, shall, in the month of January eighteen hundred and forty one, divide said city into not less than three nor more than five wards, as nearly equal in size and population as practicable, particularly describing the boundaries of each and designating them by the ordinal numbers, first, second, third, fourth and fifth if the city shall be divided into that number of wards.

Sec. 2. That the inhabitants of said city, in their corporate name may sue and be sued, implead and be impleaded, complain and defend, in all courts and places, to make, have use and alter a common seal, contract and be contracted with, acquire, purchase, hold, use and convey and dispose of property real, personal or mixed and do all other acts and things, necessary and proper for the full enjoyment of the powers, privileges and immunities, in this act granted: Provided, That this section shall not be so construed as to authorize the common council of said city to sell the public square without a special act of the Legislature of Indiana, for that purpose; and also provided, that the common council shall not have power to sell any other real property, belonging to said city, unless a majority of the legal voters of said city, present at a meeting called, specially to take the subject into consideration, of which meeting two weeks previous notice shall be given, in the corporation pewspaper, shall vote therefor.

SEC. 3. That there shall be elected, in and for said city, one mayor one recorder, one treasurer, and one high constable, and until the city is divided into wards, as is in the first section of this act provided, five aldermen, three assessors and one collector. After the city shall have been divided into wards there shall be elected in each of the wards thereof two

aldermen, and one assessor. All officers shall hold their respective offices one year and until their successors are elected and qualified; Previded, that no officer elected to fill a vacancy shall hold his office for a longer period than to the end of the term for which his predecessor was chosen.

SEC. 4 That there shall be an annual election, in each of the wards of said city, which shall be held on the second Tuesday in April, in each year, at such place or places as the common council shall designate. All which election, the vacancies which may occur by the expiration of the term of service of the officers chosen at any previous election, shall be filled. The common council shall, at least tifteen days prior to the sec ond Tuesday in April in each year and fifteen days prior to the time of holding any special election, appoint their judges of elections in each ward, in which an election is to be held, who, together with two clerks to be chosen by saidjudges shall hold such election. If either of the judges or clerks shall fail to attend at the time and place of holding an election, or if either of them shall be a candidate, then it shall be the duty of the electors present to chose viva voce, suitable persons, having the qualifications of electors to serve as judges or clerks (as they may require) of the elections; but previous to any votes being received each judge and clerk, not being an alderman of the ward in which the election is held, shall take an oath or affirmation, before some person authorized by law to administer oaths, in the following form; "you A. B. do solemnly swear (or affirm) that you will perform the duties of judge (or clerk) of this election faithfully and impartially; that you will not knowingly permit any person to vote, who is not qualified according to law; nor will you knowingly refuse the vote of any qualified elector, and that you will studiously endeavor to prevent fraud, deceit and abuse in conducting the same." If any judge or clerk shall refuse to qualify and serve or if those who may be chosen in their stead shall refuse to qualify and serve, the person so offending shall forfeit and pay any sum not exceeding ten dollars for the use of said city, to be recovered before any court having competent jurisdiction, in an action of debt.

SEC. 5. That all elections, authorized by this act, to be held in said city or any wards thereof, for the election of mayor, recorder, aldermen, treasurer, assessors, collector, high constable or any or all of them shall be by ballot, which shall be a paper ticket, on which shall be written or printed the name or names of the person or persons voted for, with a pertinent designation of the office, which he or they may be intended to fill; and every white male inhabitant of said city who is a citizen of the United States, of the age of twenty one years, and who shall have resided in said city one year next preceding such election, and every such inhabitant, who shall have held the eqitable or legal title of any real estate in said city three months, and shall have resided therein six months next preceding any election shall be competent to vote thereat. Each elector, who shall offer himself to vote at any election, shall, in full view, deliver his ballot, so folded as to conceal its contents, to one of the judges, holding such election, who shall before depositing it in the ballot box proclaim aloud the name of the person offering to vote, after which if no objection be made, by a qualified elector, he shall immediately deposit the ticket in the ballot box; but if objections be made the person offering his ballot shall not be permitted to vote unless he will take one of the following oaths which either of the officers, holding such election is hereby authorized to administer;

"You do solemnly swear (or affirm) that you are a citizen of the United States, of the age of twenty one years, that you have resided in this city one year next preceding this election, that you now actually reside within the ward of this city and have not before been

polled at this election."

Or: "You solemnly swear (or affirm) that you are a citizen of the United States, of the age of twenty one years, that you are now and have been for the three months last past the owner and holder of the equitable or legal title to real estate in this city, have resided therein for six months last past and now actually reside within the ward of this city and have not before been polled at this election." And upon taking cither of said oaths the judge holding his ballot shall forthwith deposit the same in the ballot box; and any person convicted of false swearing in the premises shall be deemed guilty of wilful and corrupt perjury, and punished accordingly, before any court having cognizance thereof.

SEC. 6. The polls of all elections, held in pursuance of this act, shall be opened between the hours of nine and ten o'clock in the forenoon and closed at four o'clock in the afternoon. The clerks of the election shall enter, the name of each elector and number of his vote in poll books in

the following form viz:

"Poll book of an election, held, in Michigan City (or ward of Michigan City,) in the year of our Lord eighteen hundred

A. B., C. D. and E. F. judges, and G. H. and J. K. Clerks, duly sworn as the law directs.

		F ELECTORS. No. NAMES. OF ELECTORS. 3 E. F. G. H.	
No.	NAMES OF ELECTORS.	No.	NAMES. OF ELECTORS.
1	A. B.	3	E. F.
2	C. D.	4	G. H.

We hereby certify that the number of electors at this election amounts to

A. B.)
C. D. Judges of Election.
E. F.

Attest, G. II. Clerks.

After the polls are closed and the poll books certified in the manner above specified, the officers, holding the election, shall proceed, publicly, to count the ballots, unopened, except so far as may be necessary to ascertain that they are single, and if the ballots shall be found to exceed, in numbers, the names of electors contained in the poll books, the judges shall draw out and destroy, unopened, so many ballots as shall amount to the excess, and if two or more ballots are found rolled or folded together, so as to present the appearance, when folded, of one ballot, they shall be immediately destroyed. When a comparison of the ballots with the poll books shall have been completed, the officers holding such election shall proceed publicly to canvass and estimate the votes given at such election;

and if any ballot shall be found to contain a greater number of names for any one office, than the number of persons required to fill such office, it shall be considered fraudulent as to the whole of the names designated to fill such office, but no further; but a ballot shall not be adjudged fraudulent, for containing a less number of names than is authorized to be inserted. After the examination of the ballots shall be completed, the result shall be set down and certified in the following manner, viz:

B. sumber of yelet.

o proper lo	endannelles aufanos et con
gh ista.	A. B. number of votes.
Con	C. D. number of votes.
	A. B. number of votes.
.8.	C. D. number of votes.
lssessors.	E. F. number of votes
A.	G. H. number of votes.
	I. J. number of votes.
Collec'r	A. B. number of votes.
11 0	C. D. number of votes.
Treasu.	A. B. number of votes.
-	C. D. number of votes.
Associ't Justice.	A. B. number of votes.
Ass	C. D. number of votes.
	A. B. number of votes.
	C. D. number of votes.
ldermen.	E. F. number of votes.
Alde	G. H. number of votes.
	I. J. number of votes.
	K. L. number of votes.
rder	A. B. number of votes,
layar. Recorder	C. D number of votes.
ar.	A. B. number of votes.
May	C. D. number of votes.

votes for votes for mayor; C. D. votes for recorder, C. D. received aldermen, (and so on according to the number of candidates.) We hereby certify, that A. B. received at this election votes for mayor, A. B. received

Which statement, so certified, shall be read and proclaimed aloud, to the people present, by one of the judges, and then, together with one of the poll books, sealed up and directed to the recorder, to whom the returns shall be made; and the statement and poll books thus sealed and directed, shall be conveyed by the oldest judge to the recorder's office, between the hours of two and four o'clock, in the afternoon of the Wednesday next subsequent to the day of election. It shall be the duty of the recorder, and in his absence or inability to act, of the mayor, to attend at the recorder's office, between the hours of two and four P. M. of the Wednesday next succeeding the day of election, who, with the judge or judges, conveying the poll books and statements, shall form a board of canvassers, whose duty shall be to open the returns from the different wards, and proceed to ascertain therefrom who are elected to the different offices to be filled at such election, by the highest number of votes, and proceed to make an abstract of the result in the form following:

N		
7	*	
Sd	H	
00	Ε.	
n	w	NH.
0	ab	
3	St	
8	BI	
_	5	
Эе	מז	
2	h	200
CC	=	
0	6	3
II	6	
B	0	
d	0	
at	X	
ec	eı	
_	d	155
0	6	
th	1,	
9	0	
Ħ	3	
=	Va	
nt	Ξ.	
e	ed	
0	2	
÷.	S	
of	10	
lic	on	
10	E.	
warsd and may be accommodated to the number of officers electe	-	
el	5	
99	0	
te	0	
d	=	
ن	B	
	3	
	St	
	ar	
	5	
	es	
	0	
	4	
	5	
	0	
	€.	
	Y	
	(This abstract shall be so extended, or varied as to suit the circumstances of the city before it shall ha	
	ef	
	20	
	0	
	÷.	
	02	*
	12	
	=	
	नु	
10	ave	
18	0	
	9	
3 83	0	
	7	
	=	
	=-	
	5	
	3	
	3	
- 6	5	

D., Judge of Election 1st Ward.

	273						
of of	5th	411	34	2nc	Ist	aldle y	day of
Total, "We I n City (such g to the	5th Ward	4th Ward	3d Ward	WE	W		Offi
Total, "We hereby certify, the gan City, (or in the of (such officers as may he ing to the officers chosen.)	ard,	ard,	ard,	2nd Ward, 00 00 00 00 00	Ist Ward, 000 00 000 00 000 00 00 00 00 00 00 00		"Official abstract of votes given at the annual (or at a special) election, held in Michigan City, on the " of A. D. *
reby or i ficer	e Tool	hrus	(44)	00	000	Ma	abst
cer n th	A3 - 10:0	Minar	in ein	00	00	yor,	ract A.
tify,	ale per di	onili		0	000	Rea	D. D.
tha than than than than than than than t	balls of	peril I		000	000	corde	* stess
t that the h	therefac	oc l	undir. Leorgi	0	0.0	7.	given
Var Var	saoline	lo th	Mar E		00 B	88. J	ı at
ove dof cho	E and an			0(0°	ustr	the c
abst Micl Micl sen)			A TO	-) p. A	Ce. 1	ınııı
ract higa				0	00.	reas	al (o
that the above abstract is a correct s th Wardof Michigan City) on the have been chosen), and that A. B. is n.)				00 00 00 00 00	00	urer.	or at
at A				00	000	0	a's
on to			12.3	0	000	Hig	occia
t str					00	h ble.	l) el
atem				90	00 >	Alde 1st	ectio
led m					0C B.	rme. War	n, h
of the					90	n As	eld i
or, (10000		00	t wa	n Ju
B. D. Sult		3 =			0.	rd l	ichu
e result of an ele of A. r, C.D. recorde A. B., Recorder.		100			00:	St w	gan
n el					8.	ctor	City
ectii		,	00	3	?	Ald 2d	, on
on I	-	**************************************	00 00		в.	Mayor, Recorder. Ass. Justice. I reasurer, High Aldermen Assessors Collector Aldermen, Constable. 1st Ward 1st ward 1st ward, 2d ward,	the
"We hereby certify, that the above abstract is a correct statement of the result of an election held in Michigan City, (or in the the Wardof Michigan City) on the day of A. D. for the election of (such officers as may have been chosen), and that A. B. is elected mayor, C.D. recorder (and so on according to the officers chosen.) A. B., Recorder.					-	d,	
in in							
Michel		12-14			- F 10		
rd ior		-					

Which abstract and certificate shall be entered at length upon the records of the corporation. by the recorder, and published in the corporation newspaper. It shall be the duty of the recorder, within three days thereafter, to notify each individual elected of his election, and furnish him with a certificate thereof, or leave such certificate at his usual place of abode, which shall be deemed a sufficient notification. Every person elected, shall on or before the Tuesday next subsequent to his election. go before some person, authorized by law to administer oaths, and take and subscribe the oath prescribed in the eleventh article of the constitution of this state, which oath such person is hereby required to administer, upon the production of the certificate of election. If any person, elected to office, in said city, shall fail or refuse to qualify as aforesaid. unless prevented by sickness, the office to which such person may have been elected, shall be deemed and taken to be vacant, so far as to authorize the calling of a special election, to fill such vacancy; and any person elected as aforesaid to any office, who shall fail or refuse to qualify as aforesaid, shall, upon conviction thereof, before any court of competent jurisdiction, forfeit and pay for the use of said city, ten dollars, with costs of suit, to be recovered in an action of debt: Provided, That nothing in this section contained, shall be construed to authorize the calling of a special election, where any one elected to any office shall be prevented from qualifying, by sickness or unavoidable accident, within the time above limited, or to subject him to the forfeiture above mentioned, or to prevent him from qualifying, within a reasonable time after the recovery of his health: And also further provided, That nothing in this section contained shall be construed to restrain the variation of the forms above prescribed, to suit the circumstances or condition of the city, either before or after it shall be divided into wards, as provided in the first section of this act.

SEC. 7. That no person who is not an elector, shall be elected or appointed to any office created or authorized to be created by this act; and no person who has not resided in said city one year next preceding his election or appointment or who is not a freeholder, shall be eligible to the office of mayor, alderman, or assessor.

SEC. 8. That no person entitled to vote at any election held under this act, shall be arrested on any civil process, within said city on the day on which said election shall be held.

SEC. 9. The common council of said city is hereby required to call and appoint special elections in said city or any of the wards thereof, to fill all vacancies which may occur in the offices of mayor, recorder, alderman, assessor, treasurer or high constable; notice of the time and place of such election shall be given by the recorder, in the newspapers printed in said city at least fifteen days prior to the holding thereof; and such election shall be conducted in the same manner as is provided for the annual elections in said city.

SEC. 10. That the mayor, recorder, and aldermen of said city shall constitute the common council of said city. The common council shall meet at such times and places as they shall by resolution direct, or as the mayor, or in his absence or disability the recorder, or in case of the absence or disability of both, any two aldermen shall appoint. The mayor,

35

or in his absence the recorder, shall preside at all meetings of the common council, and shall have only a casting vote. In case of the absence of both the mayor and recorder, any one of the alderman may be chosen to preside, but shall not thereby be deprived of his vote on all questions before the council. A majority of all the alderman elected shall constitute a quorum for the transaction of business.

SEC. 11. That the common council shall meet annually, at such place as they shall appoint on the third Tuesday in April, and by ballot appoint a city attorney, street commissioner, one or more police constables in each ward of said city, clerk of the market, one or more pound masters, porters, carriers, packers and inspectors of beef and pork, bellman, sextons, common criers, scravengers, measurers and inspectors of grain, measurers and inspectors of wood, scalers of weights and measures, guagers, city surveyor, inspectors of flour, measurers and inspectors of lumber, and harbor master, who shall hold their offices one year and until their successors are appointed and qualified, unless sconer removed by the common council. If for any cause any of the above officers should not be appointed on said day, they may be appointed at any subsequent meeting of the common conneil, to hold their offices until the third Tuesday in April then next ensuing, and until their successors are chosen and qualified, unless sconer removed by the common council.

SEC. 12. That if any person, having been an officer in said city shall not within sixty days after notification and request from his successor, deliver to him, all the property, papers and effects of every description, in his possession, belonging to said city or appertaining to the office he held; he shall forfeit and pay for the use of said city one hundred dollars to be recovered in an action of debt, in any court of competent jurisdiction, with costs of suit, beside all damages caused by his neglect or refusal so to deliver.

SEC. 13. That the recorder, treasurer, street commissioner and collector of said city, shall severally before they enter on the discharge of the duties of their respective offices, execute a bond to Michigan city, in such sum and with such sureties as the common council shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account and pay over all monies received by them in their official capacity, which bonds with the approval of the common council endorsed thereon, shall be filed in the office of the recorder, except the recorder's bond, which shall be filed in the office of the treasurer of said city. Every high or police constable shall before he enters on the discharge of his duties as such officer, make and execute a bond to said city, with two or more sureities, to be approved of by the common council, in such sum as said council shall approve not less than fifteen hundred dollars, conditioned for the faithful discharge of his official duties, which bonds with the approval of the said conneil endorsed thereon, shall be filed with the recorder of said city. Any person injured by the nonfeasance or misconduct of any of the officers in this section named, may obtain from the person holding the official bond of such officer, a certified copy thereof, on which the person so injured may institute and carry on in the name of the obligee of such bond for the use of the person suing, an action of debt

against such officer, and his securities in any court having competent jurisdiction and recover judgment for the amount of the bond, on which judgment execution may issue, for such sum as may be ascertained will be sufficient to indemify the person suing; Provided, That in no rase shall the obligee of the bond be responsible for costs; but in case judgment should be rendered in favor of the defendants, costs shall be taxed and recovered against the party for whose use the suit was commenced. It shall be lawful for any other person or persons injured as aforesaid to proceed by scire facias against said defendants, in said judgment until the amount thereof be exhausted; Provided, the plaintiff shall always set forth the breach or breaches on which he may intend to rely to support his suit; and that such defendants may plead any matter which may be pertinent to their defence.

SEC. 14. That it shall be the duty of the common council, at least ten days before any annual election, to cause to be published, in the newspapers of said city, a full and correct account in detail of the receipts and expenditures, by the said council, for the contingent expenses of said city, from the date of the last annual report, published in pursuance of this section, to the date of their said reports, and also a distinct statement of the whole amount of money assessed, received and expended, for making and repairing streets, roads, highways and bridges; together with such other information in their power to furnish, as may be necessary to a full understanding of the financial concerns of said city.

Sec. 15. That the common council shall have the management and control of the finances and all the property belonging to the corporation; may hear petitions and remonstrances, and shall have the power and authority to make, ordain, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations and by-laws for the following purposes:

1. To prevent all obstructions in the waters of said city, which are public highways;

2. To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice;

3. To prevent and punish all descriptions of gaming and fraudulent devices in said city. All playing of cards, dice or other games of chance, with or without betting in any grocery.

4. To prohibit and punish the selling or giving away of any ardent or strong liquors, by any tavern keeper, store keeper, trader or grocer, to be drank on the premises of the seller or giver, unless duly licensed so to do.

5. To prevent and punish the selling or giving away any intoxicating liquors to any child, apprentice, servant or minor, without the consent of his or her parent, guardian, master or mistress, or to any Indian.

6. To regulate and prohibit the exhibitions of common showmen and shows of every kind, or the exhibitions of any natural or artificial curiosities, caravans, circuses, theatrical performances, feats or powers of ventriloguism.

7. To prevent any riot, or noisy disturbance or disorderly assembla-

8. To suppress and restrain disorderly houses and groceries, houses of ill fame, billiard tables, nine or ten pin alleys or tables and ball alleys,

and to authorise the destruction and demolition of all implements, instru-

ments and devices for gaming.

9. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, brewery, distillery, stable, barn, privy, or any other unwholesome, or naseous house or place, to cleanse, remove or abate the same, from time to time, and as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

10. To direct the location and management of all slaughter houses,

markets and houses for the storage of gunpowder.

11. To regulate the keeping and conveying of gunpowder and other combustible and dangerous materials and the use of lights and candles, in barns and stables.

12. To prevent horse racing and immoderate riding or driving in the streets, and to authorise persons riding or driving immoderately through

the streets to be stopped by any person.

13. To prevent the incumbering of the streets, side walks, alleys, wharves, docks and public grounds, with carriages, wagons, carts, wheelbarrows, sleighs, sleds, boxes, lumber, timber, firewood or any other substance or material whatsoever.

14. To regulate and determine the times and places of bathing in the

creeks, harbor, canals and waters of said city.

15. To restrain and punish mendicants, vagrants, street beggars and

common prostitutes.

16. To restrain and regulate the running at large of all domestic animals, and to authorize the distraining and impounding and sale thereof for the penalty incurred and costs of proceeding.

17. To prevent the running at large of dogs, and to authorize the de-

struction of the same, when found at large, contrary to ordinance.

18. To prevent any person from bringing, depositing or having within the limits of said city, any dead carcass, or other unwholesome substance; and to require the removal or destruction, by any person, who shall have upon or near his or her premises, any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and on his or her default to authorize the removal or destruction thereof, by some officer of said city, at such person's expense.

19. To prohibit the rolling of hoops, playing at ball, flying of kites, or any other amusement or practice, having a tendency to obstruct or annoy persons, passing the streets, in said city, or to fighten teams or horses

within the same.

20. To compel all persons to keep the snow, ice and dirt from the side walks, in front of the buildings and premises occupied by them.

21. To prevent the ringing of bells, blowing of horns and bugles and crying of goods or other things within the limits of said city.

22. To abate and remove nuisances.

23. To regulate and restrain runners for boats and stages.

24. To survey the boundaries of said city.
25. To regulate the burial of the dead.

26. To direct and require the keeping and returning of bills of mortality.

27. To regulate guaging; the place and manner of selling and weigh-

ing hay; of selling pickled and other fish and provisions, and of selling and measuring wood, lime and coal, and to appoint suitable persons to superintend and conduct the same.

28. To appoint watchmen, and prescribe their powers and duties.

29. To prescribe and regulate the charges of cartmen, porters, carriers, and hackney coachmen and prescribe their duties.

30. To regulate the police of said city.

31. To regulate the quality and assize of bread, and provide for the forfeiture and seizure of bread baked contrary thereto.

32. To establish, make and regulate public pumps, wells, cisterns and

reservoirs, and prevent unnecessary waste of water thereat.

33. To establish and regulate public pounds.

31. To prevent the discharge of firearms in said city.

35. To remove and tear down, or prevent the construction of any fire-place, hearth, chimney, stove, oven, boiler, kettle, or other apparatus, used in any house, building, manufactory or business, which may be dangerous in causing or promoting fires; to direct the construction of safe deposits for ashes and to appoint one or more officers at reasonable times to enter into and examine all dwelling houses, and buildings of every description, in order to discover whether any of them are in a dangerous state and to cause such as may be dangerous to be put in safe and secure condition.

36. To appoint five wardens and prescribe their powers and duties; and to adopt such measures for the prevention and suppression of fires, as

shall be deemed expedient.

37. To compel the owners and occupants of houses and other buildings to have scuttles on the roofs of the same, and stairs or ladders leading thereto.

38. To prescribe the dimensions of chimnies so as to admit chimney

sweeps to sweep and cleanse the same.

39. To appoint firemen to take the charge and management of the fire engines and other apparatus for the extinguishment of fires, under such regulations as shall be deemed necessary and expedient; which firemen shall be exempt from serving as jurors or in the militia, except in time of war, insurrection, invasion or other imminent danger.

40. To authorize the mayor, recorder, any alderman, fire warden, or any constable to remove or cause to be removed and kept away from the vicinity of any fire, all idle or suspicious persons or to compel any person or persons to aid in the extinguishment thereof or in the preservation of

any property, exposed to the dangers of such fires.

41. To require the owners and occupants of all buildings, respectively, to provide such and so many fire buckets, and in such time as they shall prescribe and regulate the use of them in times of fire.

42. To make, keep in repair and alter, streets, alleys, highways, bridg-

es, wharves and slips in said city.

43. To direct and regulate the paving or flagging of the side walks.

44. To prescribe the powers and duties of all officers authorized to be appointed by the common council, by this act, and remove all such officers at pleasure.

45. To build and keep in repair one or more markets, a city prison and a city Hall for the sessions of the city court, police officer and for the meetings of the common council; and appoint keepers and superintend. ants thereof.

46. To provide fire engines and other apparatus for the extinguish-

ment of fires, and take measures for their preservation.

47. To regulate and license the owners and keepers of hackney coaches, and other carriages for the transportation of passengers within said city for hire or reward, and to inflict penalties for the violation of such

regulations.

48. And generally to make all such rules, by-laws and regulations for the good order and government of said city, and the commerce and trade thereof as the said common council may deem expedient, not repugnant to the constitution and laws of this state; and to inflict penalties upon any citizen or inhabitant thereof or other person or persons, for the violation of any rules or by-laws, not exceeding twenty five dollars, unless otherwise provided in this act, for any one offence, recoverable with costs in action of debt, in the name of said city before any court of competent jurisdiction, in which action the first process shall be a capias ad respondendum and there shall be no stay of execution after judgment, nor shall any exemption be allowed therefrom: And further, it shall be lawful, in default of payment of any fine or amercement, adjudged against any delinquent or offender against the provisions of the by-laws or ordinances of the corporation, for the common council to provide by by-laws or ordinances for the imprisonment of such delinquent or offender, in the city prison or the jail of the county of Laporte for any term of time not exceeding thirty days, in the discretion of the court having cognizance of the case; and it shall be lawful, for the court before or by which any judgment of conviction shall be given or rendered to earry said judgement into effect by warrant of commitment directed to the keeper of such jail or prison, who shall in all cases be bound to obey such warrant.

SEC. 16. The common council shall have power to fix and determine the salaries and compensation of all officers elected or appointed by au-

thority of this act, not otherwise specially provided for.

SEC. 17. The recorder shall keep the corporate seal and all the papers belonging to said city, not required to be kept by other officers by the provisions of this act or by ordinance or by-law of the common council; shail make and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and shall perform the duties of mayor, in the absence or inability of that officer or during a vacancy in the mayor's office; and shall perform such other duties as shall be required of him by the common council, in whose proceedings he shall have no vote except when presiding, in the place of the mayor, there should be a tie in the votes of the common council, in which case he shall have a casting vote. Copies of all papers filed in his office and transcript from the records of the common council certified by him under the corporate seal, shall be evidence in all courts and places, in like manner as if the original were produced.

Sec. 18. That the recorder shall keep an effice of record, which shall

he kept at some convenient place in said city; and shall provide himself. at the costs and charges of said city, with books of royal or larger paper or parchment, well bound and covered, in which he shall record, by himself or deputy, in a fair and legible hand, all deeds and conveyances of land lying and being in said city and all other instruments of writing relating thereto, which are by law required to be recorded, which shall be brought to him for that purpose, for which he may charge and receive the same fees as are now allowed to county recorders, by law, for similar services; and the said city recorder shall observe and be bound by the several acts of this state defining the powers and duties of county record. ers, so far as said acts may be applicable; and transcripts from the records in his office under his hand and the scal of said city, shall have the same effect in evidence in all courts and places as authenticated copies of records from the county recorder's office.

SEC. 19. That all mortgages, executed agreeably to the laws of this state, of lands situate in said city, shall be recorded in the recorder's office of said city, and shall take effect from the time the same are recorded: and if two or more mortgages of the same land are presented for record on the same day, they shall take effect from the order of presentation for record, the first presented shall be first recorded, and the first recorded shall have preference. All other deeds and instruments of writing for the conveyance or incumbrance of lands or tenements, within said city, executed according to law, shall be recorded in the recorder's office of said city, within thirty days from the date thereof, and if such deed or other instrument of writing shall not be so recorded within the time herein prescribed, the same shall be deemed and adjudged fraudulent and void, so far as relates to any subsequent bona fide purchaser, having, at the time of making such purchase, no knowledge of the existence of such former deed or other instrument of writing: Provided, that such deed or other instrument of writing, may be recorded at any time after the expiration of the time therein prescribed, and from the time of such record shall have preference over any other deed or instrument of writing executed after the first shall have been recorded or left for record.

SEC. 20. That the treasurer shall receive all monies, belonging to the corporation, keep an accurate account of all receipts and expenditures, and shall exhibit to the common council, at least fifteen days before the annual election, in each year, an accurate account current, or a full and correct statement in writing, of all receipts and expenditures, since the date of his last report, and also the state of the treasury, which a ccount shall be filed with the recorder. No money shall be drawn from the treasury, unless in pursuance of an order of the common council, which order shall be signed by the recorder, and shall specify for what purpose the money is drawn; and the recorder shall keep an accurate account of

all orders by him issued.

SEC. 21. That the high and police constables of said city shall have the same power and authority and shall give bond in the same ma nner as constables of the several townships in this state.

SEC. 22. That the high constable, police constables and city watchmen shall obey the orders and directions of the mayor, in enforcing the laws of this state or ordinances and by-laws of said city and shall follow and obey their orders and directions relative to the detection and apprehension of offenders: *Provided*, such directions and orders shall not violate any of the ordinances or by-laws of said city or any law of this state.

SEC. 23. That all lands, and tenements taxable by the authority of this state, lying within the bounds of said city, (except as in this act hereinafter excepted,) and so much of the value of the following kinds of personal property as stated exceed the amount of debts due and owing by the owner thereof, bank stock, or stock in any incorporated company, making annual, semi annual or other dividends owned in said city; notes, bonds, or other evidence of debt, drawing interest; capital, employed in any kind of business; capital invested in steambouts or other shipping; pleasure carriages, horses, and neat cattle, over three years old; gold and silver watches kept for use, and such articles of household furniture as the common council shall direct, shall be subject to taxation each and every

year by the common council of said city.

SEC. 24. That it shall be the duty of the assessors each and every year until the year eighteen hundred and forty one, to divide the city into three districts for their own convenience, and appoint one of their own number to each district, whose duty it shall be, between the first of June and the twentieth day of July, in each and every year, to call, at their usual places of residence, upon the owners, resident in his district, of all property subject by this act to taxation, or that will be subject to taxation on the first of August next subsequent to the time of taking the assessment and make a list of the names of the owners of such property, setting opposite the name of each owner of real estate, the real estate belonging to him or her, designating and describing it by the numbers in figures as laid down on the recorded map or maps, or plats of said city, or if not laid out into town or city lots, describing it by the numbers as laid down on the maps of the original surveys. If any real estate be owned by two or more persons, in severalty, by tenancy in common or coparcenary, either of them may list his or her respective share or shares, or part or parts, or all may together as they may deem expedient, in which case such tenancy shall be noted in the list; and real estate owned by a company or association of individuals, may be entered in the name of such company or association. If the owner or owners of any real property, subject to taxation, shall be absent, when the assessor shall call at his or her place of residence or be unable to refuse to give a list of the same by the twentieth day of June in each year; or in case the owner or owners of such property is or are unknown to the assessor, he shall make a list thereof from the best information he can obtain, and he shall in the column of names, use the words "Unknown Owners," opposite the entry of such property as shall belong to such persons as are unknown to the assessor as the owner or owners of such property. The assessor shall at the time of taking a list of the real property as aforesaid, make a list of the owners of personal property, subject to taxation and set opposite their respective names, in separate columns the amount of bank or other stock, in incorporated companies, making annual or other dividends, the amount of notes, bonds, and other evidences of debt drawing interest, the amount of capital employed in any kind of

business, the amount of capital invested in shipping of any kind, the value of pleasure carriages, the number of horses, cattle, and watches, and the value of household furniture, which any person may own or be possessed of over the amount of debts due and owing by such persons. If the assessor shall mistrust or suspect that any person subject to taxation, secrets or conceals any of his or her property, subject to taxation, he shall have power to administer to such person an oath or affirmation, that the statement made by him or her is true. False swearing in the premises shall be deemed wilful perjury and punished accordingly. If any person shall refuse to swear or affirm, or if the owner of such taxable property shall be absent, when the assessor shall call at his or her usual place of abode, the assessor shall put down on his assessment roll such amount of the different kinds of personal property subject to taxation, as he from the best information be can obtain shall think right and just. After the listing shall have been completed, it shall be the duty of the assessors to meet at some convenient place in said city between the twentieth day of July and the first of August, in each year and compare their respective lists and equalize the valuation of property returned thereon as near as may be. All real estate shall be valued at its true value in money, taking into consideration its location and advantages for business of any kind and improvements thereon; all bank and other taxable stocks; all monies at interest. all capital employed in any kind of business, shall be assessed and valued as so much money; all capital invested in any kind of shipping shall be valued at the true value thereof in money, all pleasure carriages at their value in money upon view: all horses shall be valued without view at fifty dollars; all cattle shall be valued without view at ten dollars, all gold watches at fifty dollars, and all silver watches at ten dollars, and all household furniture, upon view shall be valued at its real value in money. They shall enter all real property subject to taxation on one roll, setting it opposite the names of the owners, so far as known, which shall be alphabetically arranged and shall, in the same manner, make a list of the personal estate returned by the several assessors, and return the same, together with the returns of the respective assessors to the recorder, on or before the first monday of August annually. The form of assessment rolls, used by the respective assessors in taking a list of the taxable property, and also by the board of assessors in making their returns to the recorder shall be as follows:

36 Start of Start of

FORM TO BE USED IN THE ASSESSMENT OF REAL PROPERTY.

	L	от.	Block.	Plat, Addition or Survey.	How held.	Value.	TAX.			. Remarks.	
Owners' Names.	No. Part.		No.	Name.	per Ling proch proch proch	Dolls.	Dolls.	Dolls. Cts. Mls			
	to a sedeval towards in part of an		A THE THE PROPERTY OF THE PARTY		And the state of the companies of the co	The second of th	The contract of the contract o	State of the state	April 10 Street Deckabitor portuge of a	enelight propagation beneficially from or or or of spice state or other propagation or other propagations or o	

This form may be varied or altered to suit the description of any taxable real estate in the city,

FORM TO BE USED IN THE ASSESSMENT OF PERSONAL PROPERTY.

	Bank and other Stock.	Bonds, Notes, &c. drawing interest.	Capital in business.	Capital invested in Shipping.	Pleasure carriages.	Horses.	Cattle.	Gold watches.	Silver watches.	Household Furni-	Total value.	includes a doubt the sale	Fax.		Remarks.
Owners' name.	Amt.	Amt.	Amt.	value.	value.	No.	No.	No.	No.	value.	Dolls.	Dlls.	Cts.	Mls.	10 TE
					The special force of a second		September 2017 C. T. Stable September 2017 C.			THE STATE OF THE PARTY OF THE STATE OF THE S	the state property in part of the safety of the part o		and all also find the first	the latest state of the state o	Appropriate pass of the propriate of the

SEC. 25. The said assessors shall leave the tax columns blank. Any person or persons, feeling themselves aggrieved, by the assessments of the respective assessors, may appeal to the board of assessors for the correcion of such assessments, and the said board is hereby authorised to correct all errors or improper assessments, at the meetings of said board, between the twentieth of July and the first of August; but at no other time: Provided, The common council may, at any time, before the first day of December, in each year, upon receiving satisfactory proof of the justice and right thereof, correct such assessment rolls and tax lists. At the time of taking the lists aforesaid, the said assessors shall return on the same list, with the personal property, the names of all persons residing in their respective districts, who, if they resided in any of the townships of this state would be liable to work on the highway, although not taxed for property in said city, which persons shall be taxed one dollar, to be faid out in roads and bridges in said city: Provided, That in the year eighteen hundred and forty one, and every and each year thereafter, the assessor who shall be chosen, in each ward, shall perform the same duties, in his particular ward, as is, by this section required, of the assessor assigned to any particular district, in his district; and that the assessors of the different wards, shall constitute the board of assessors, whose duty shall be the same, as is by this section required of the board of assessors, previous to the year eighteen hundred and forty one, except that in making their list and assessment roll to be returned to the recorder, they shall distribute the real estate subject to taxation, together with its valuation, under the head of the respective wards in which such property is situate: And also further provided. That in case any of the assessors, authorised to be elected, shall for any cause neglect or be unable to perform the duties required by this act, it shall be competent for the common council to appoint some suitable person to discharge said duties, if, in case of vacancy they shall be of opinion, there is not sufficient time to fill such vacancy by an election, so as to allow adequate time for the transaction of the duties required by this section.

SEC. 26. The common council shall have power to cause a sum not exceeding ten thousand dollars to be raised, by a tax upon the taxable property in said city, each and every year, to defray the expenses of lighting the streets, supporting a night watch, making and improving highways and bridges; grading and improving the public grounds in said city, of carrying into effect any of the powers [granted] in this act, and to defray the contingent and other expenses of said city: Provided, that, whenever a greater amount of tax is needed in one year, for the purpose of erecting public buildings, or paying for such buildings then erected, or for the payment of any debts, contracted by the common council, in the discharge of any powers in this act conferred, it shall be competent for the common council to direct any additional amount not exceeding fifty per cent. to be raised in any one year, which additional amount of tax shall be exclusive-

ly appropriated to the purposes for which it was raised.

SEC. 27. It shall be the duty of the common council, between the first Monday in August, and the first Monday in September, in each and every year, to determine by law the amount of taxes, not exceeding the amount

allowed in the preceding section, for the purposes, in said section mentioned, which shall be assessed on the taxable property of said city, for the current year, and shall direct the recorder to apportion the tax so assessed, rgainst the taxable property returned by the assessors, which shall bear the same proportion to the whole tax assessed, as the value of the particular property bears to that of the whole property on the assessment rolls, and to fill the tax columns, in the said rolls, with the tax, as apportioned, and furnish to the collector of said city complete duplicates of such assessment rolls, on or before the first Monday in October in each year.

SEC. 28. The collector, by himself or deputy, shall call at the usual place of residence of each person, named on the duplicate if such residence be within said city, to receive the taxes assessed against him or her, on or before the first Monday in November, in each year, and shall moreover, attend at his office, in said city, between the hours of nine A. M., and four o'clock P. M., of each day, Sundays excepted, during the month

of Nevember, to receive taxes.

SEC. 29. The collector shall, as soon as practicable, after the first day of December, in each year, make or cause to be made a correct list of all real estate, owned, or which was owned by residents in said city, or in Laporte county, on the first day of June next preceding, on which any tax shall to main unpaid, at the time of making out said list, describing such real estate, as the same is described on the tax duplicate, charging on said list, the amount of tax due on such real estate, with the addition of twenty per cent. penalty thereon, and certify, sign and return the same to the city recorder, within six days.

SEC. 30. It shall be the duty of the recorder to publish said list, four weeks successively, in the corporation newspaper, between the second Monday of December, and the second Monday in January, next succeeding, to which list shall be appended a notice, that the whole of the several tracts of lots, described therein, will be leased or let, at the office of the collector of said city, to such person as will take the same, for the shortest term of time, in consideration of advancing the tax and penalty charged against said tracts or lots of land, on the third Monday in January, then next ensuing, unless before that time, the owner or owners thereof

shall pay the tax and penalty themselves.

Sec. 31. It shall be the duty of the collector to attend at his office on the said third Monday, and then and there between the hours of nine o'clock A. M. and six o'clock P. M., proceed to offer for sale, by public auction, separately, each parcel of real estate, named or described, in said delinquent list, on which the tax and penalty remains unpaid for a term of years, for the purposes, and in the manner expressed in said notice. The recorder shall also attend at the same time and place, and shall act as the clerk of such sale and on receiving from the purchaser or purchasers, the amount of tax and penalty charged upon any of said real estate, shall under his hand and the corporation seal, deliver to such purchaser or lessee a certificate or declaration of sale, stating the amount of mency paid for said real estate, describing it as the same is described in the tax duplicate; by virtue of which certificate or declaration, and of this act, such purchaser, his or her heirs, executors, administrators, or assigns,

shall lawfully hold and enjoy such real estate, against the owner or owners thereof and all claiming under him or them until such purchaser's term be complete and ended, and be at liberty to remove all buildings and improvements, which he, she, or they may erect, make or plan thereon during such term.

Sec. 32. The collector shall make or cause to be made, a list of all real estate, not included in the list required by the thirtieth section of this act, on which the tax shall remain unpaid, adding the same penalty as is required in the said thirtieth section, and return the same to the recorder on or before the first day of January next subsequent, which shall be published four weeks successively in the corporation newspaper during the month of May following, with a notice appended that the same will be sold on the first Monday of June next ensuing, if the tax and penalty remain so long unpaid, in the same manner and for the the same purposes as the land required to be sold by the thirty second [thirty first] section of this act.

Sec. 33. The collector is hereby authorized and required whenever the tax, levied on the personal estate of any person resident in said. city, or on any person subject to work on highways remains unpaid on the first of November, to cause the same to be made of the goods and chattles of the person, charged therewith, by distress and sale, giving the same notice of sale as is required of constables in their sales, on execution from justices of the peace, paying the surplus of the avails of such sales (if any) to the person against whom such tax stands charged, on demand.

Sec. 34. It shall be the duty of the collector to pay over, on the first Monday of every month, to the treasurer of said city, all monies he may have in his hand, belonging to said city.

SEC. 35. The common council shall have power to lay out, make, open, plter, widen, contract, straighten, discontinue, grade, level, pave repair, McAdamize and gravel, streets, alleys, lanes, highways, roads, sidewalks, drains, sewers, and aqueducts, and to make, lay out, open, alter or discontinue docks, whatves, piers and slips. The common council shall, in the ordinance, directing any of the improvements, in this section specified to be made, (excepting side walks), particularly describe such improvement or improvements, and determine the amount of money which shall be raised therefor; and shall appoint three disinterested freeholders of said city, assessors to proceed and view the real estate affected by such improvements. The said assessors shall, before proceeding to the discharge of their duties, take an oath or affirmation, before some person authorised to administer oaths, faithfully and impartially to discharge such duty, according to the best of their ability, and give, at least two week's notice. in the corporation newspaper, of the time of making their assessment on the real property affected by the contemplated improvement. The assersors or a majority of them shall, at the time fixed in their notice as aforesaid, proceed and examine first, the real estate (if any), which, in in their opinion, will be injured by such improvement and assess the damage thereto, which shall be added to the amount directed by the common council to be raised for the making of said improvement. The said asacsions shall next proceed to view the real estate which in their opinion

will be benefitted by such improvement and assess the amount ordered to be raised, by the common council, together with the amount of damages to other real estate, thereon, in proportion to the benefit, resulting to such property. The said assessors shall make a return of their proceedings to the recorder, within ten days. The common council shall have power, at any time before a duplicate of said appointment shall have been in the hands of the collector thirty days, to hear appeals from any persons, feeling themselves aggrieved by the assessment of said assessors, and to alter and correct such assessments as to them shall seem just and right: Provided, That all appeals shall be in writing.

SEC. 36. It shall be the duty of the recorder, within thirty days after the return of the assessors as aforesaid, to deliver a duplicate of such assessment to the collector, whose duty it shall be to collect the sums charged thereon, within sixty days thereafter. If the said assessments remain unpaid, sixty days after the duplicates thereof shall have been in the hands of the collector, the same proceedings shall be had as are prescribed for the collection of taxes in the thirtieth, thirty first, thirty second and thirty third sections of this act: Provided, That lands of resident owners may be sold at any time, after giving four week's notice of the timeand place of sale.

SEC. 37. It shall be the duty of the street commissioner to superintend the making of all public improvements, ordered by the common council, and to make contracts for the work and materials, which may be necessary for the same, and shall be the executive officer to carry into effect the ordinances of the common council, so far as regards the improvements authorised in the thirty-sixth [fifth] section of this act, he shall keep accurate accounts of all moneys expended by him, in the performance of his duties, together with the cause of such expenditures, and shall render such account monthly to the common council.

SEC. 38. The common council shall have power to borrow money, up on the credit of said city, at a rate of interest not exceeding ten per cent. for the use thereof: Provided, That not more than ten thousand dollars shall be borrowed in any one year, unless by a vote of a majority of the electors, present at a meeting, called for the purpose, of which meeting two week's notice shall be given, in the corporation newspaper, in which case, a sum not exceeding twenty-five thousand cellars may be borrowed, in one year: And provided also, That the amount so borrowed shall at no time exceed oue hundred thousand dollars.

SEC. 39. The common council shall have power to grant licenses or permits to any person or persons of good moral character, to keep a tayern or grocery in said city; but the said council shall not grant any license or permit, for such purpose, unless the person or persons applying therefor, shall produce the certificate of thirty six freeholders of said city, that the person or persons so applying, is or are of good moral character, and suitable person or persons to keep such tavern or grocery, and that such tavern or grocery would be a benefit and convenience, and conducive to the public good; and unless such applicant or applicants shalk give bond, with sufficient security, in the sum of one thousand dollars, payable to Michigan City, conditioned that such applicant or applicants will not suffer or permit any kind of gambling, rioting, revelling, intexication or drunkenness, in his, her or their house, or on his, her or their premises, or sell or retail spiritous or strong liquors on the sabbath day, or first day of the week; or tsell or reail any such liquors to any minor, to be drank by such minor, without his, or her parent, master, mistress or guadian's consent, nor any intoxicating liquors to any person, in a state of intoxication; and if any of the conditions of said bond be broken, it shall be the duty of the corporation attorney to commence suit thereon, in any court of competent jurisdiction, and if upon the trial, it shall appear, by the verdict of a jury, that any of the conditions of said bond have been broken, the license or permit shall become thereby forfeit, and the court shall render judgment for the penalty of the bond, with costs of suit, and order execution to issue for such sum, not less than fifty dollars, with costs of suit, as said court shall think fit: Provided, That a sale of strong or spiritous liquors, by a tayern keeper, on the sabbath day, shall not be deemed a breach of the conditions of said boud.

SEC. 40. No person or persons shall obtain a license as aforesaid, until he, she or they shall pay into the treasury of said city, a sum not less than ten dollars, nor more than one hundred dollars, in the discretion of the common council; nor shall any license or permit continue or be in force, for a longer term than one year; and if any person or persons shall continue to sell spiritous or strong liquors, after his, her or their license or permit has expired, such person or persons shall be liable and subject to the same penalties and forfeitures, as though he, she or they had never had a license or permit. Any person or persons selling or retailing strong or spiritous liquors, without license or permit, in said city, by a less quantity than one gallon, to be drank on the premises when sold, shall forfeit and pay any sum not less than twenty dollars nor more than one hundred dollars, with costs of suit, to be recovered in an action of debt, brought in the name of the corporation,

in any court of competent jurisdiction.

Sec. 41. That it shall be lawful for any person or persons, having first obtained a license or permit from the common council, and complied with the provisions of the forty first and forty second [39 and 40] sections of this act, to sell and retail spiritous or strong liquors, in said city, one year from the date of such license or permit; but no license or permit shall be transferable, without the consent of the common council, nor unless the transferable without the consent of the common council, nor unless the transferable shall enter into a like bond as the original holder; nor shall a license or permit be renewed or a new one granted to any person or persons, to keep a taveru or grocery, within any ward of said city, in any case, where a majority of the householders, residing in the ward within which the same is to be kept, shall remonstrate against the renewal or granting thereof.

SEC. 42. Every by-law ordinance, imposing a penalty or forfeiture for a violation of its provisions, shall before the same shall be put in force, be published for three weeks successively in the corporation newspaper.

Sec. 43. The common council, at their first meeting after the annual election or within ten days thereafter, shall designate one public news

paper printed in said city, in which shall be published all ordinances and other matters and proceedings, required in any case by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper.

SEC. 44. No property belonging to the United States, or to this State, or to Michigan City, or church or school property, shall be liable to taxa-

tion under or by authority of this act.

SEC. 45. No person shall be incompetent to serve as judge, justice, juror or witness, in any suit in which Michigan City is a party, in consequence

of being a freeholder or inhabitant thereof.

SEC. 46. That all that portion of Trail creek, from its mouth to the centre of section number twenty eight, in township number thirty eight, north of range number four, west, and all streets lanes and alleys in said city, are hereby declared public highways.

SEC. 47. No enumeration of powers, in this act contained shall be con-

strued to restrain the effect of powers, granted in general terms.

SEC. 48. If at any time any of the officers authorized to be elected or appointed by this act, are absent or are unable to attend to the duties of their respective offices, in the time prescribed by this act, the common council shall have power to make temporary appointments, until the return of such officers, or until their disability shall be removed or in case of

vacancy, until an election can be held to fill such vacancy.

SEC. 49. Any person interested, may appeal from any order of the common council for making any improvement authorised in the thirty-sixth, [35] section of this act, to the circuit court of Laporte county, by notice in writing delivered to the mayor, or person acting as such, at any time before the expiration of twenty days after the passage of the ordinance or by-law, directing such improvement. The only ground of appeal shall be the want of conformity in the proceedings within this act. On the trial of the appeal the said court shall confirm the order of the common council, appealed from, if said court shall be of opinion that the requisitions of this act have been substantially complied with, or annul the same if the court be of a contray opinion.

SEC. 50. In case any land, the property of individuals, be required to be taken, in making any improvements, authorized by the thirty sixth [35] section of this act it shall be the duty of the common council, before appropriating the same to public use, to pay or tender to the owner thereof, if resident in said city, or if not a resident of the city, to deposit with the treasurer of the city, for the use of the owner, the damages assessed to such owner, by the assessors appointed under said thirty sixth [35] sec-

tion.

SEC. 51. All copies of the act and such parts of this act to which this is an amendment as remain in force made under the authority of the common council, shall be received in evidence in all courts and places in the same manner and with the same effect as if published under the authority of this State.

Sec. 52. So much of the act, to which this is an amendment as is inconsistent with the provisions of this act is hereby repealed.

SEC. 53. That nothing in this charter shall be so construed, as to vest

37

the corporation with powers in contravention to the general laws and constitution of this State or of the United States.

SEC. 54. This act shall be a public act and favorably construed in all courts for the purposes therein mentioned and shall take effect and be in force from and after the first day of March next.

CHAPTER LXXXVI.

An Act to incorporate the White River Bridge Company.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act, shall be, and are hereby constituted a body politic and corporate, by the name and style of the "White river Bridge company," and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of suing and being sued, defending and being defended in law and equity in all courts whatsoever; and shall have power to ordain and establish such by laws, rules, and regulations, not repugnant to the constitution or laws of this state or the United States, as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. The capital stock of said corporation shall be one hundred

thousand dollars divided into shares of fifty dollars each.

SEC. 3. That Elisha Knox, Elias Craunee, and Samuel Dixon, of Fair play, William Shryer of Bloomfield, Thomas Bradford sen., of Green county, George Hooker of Clay county, and Asher Scranton, of Springville, shall be commissioners to open books for the subscriptions to the capital stock of said corporation, and the said books shall be opened on or before the first Monday of July, 1837, and each of said commissioners

may receive subscriptions.

SEC. 4. Whenever six hundred shares of the stock of said corporation shall be subscribed, the commissioners shall cause an advertisement to be inserted in some newspaper printed in the town of Indianapolis, giving at least four weeks notice of the time and place of meeting of the subscribers to choose directors, and at the time and place appointed, the stockholders of said corporation shall choose seven directors, being stockholders of said corporation; a quorum of whom shall be competent to transact business; a new election of directors shall be held annually at such time and place as the stockholders at their first meeting shall appoint, the directors chosen at any election shall as soon thereafter as may be, choose out of their number one person to be president, and also appoint a secretary and Treasurer.

SEC. 5. The directors may demand from the stockholders respectively all such sums of money by them subscribed, at such times and in such

proportions as they may think proper, and in the penalty of forfeiting their respective shares, and all previous payments thereon.

SEC. 6. The said corporation may erect a bridge across the west branch of White river, at or near the town of Fairplay, as shall be deemed most

advisable.

SEC. 7. Whenever the said bridge shall be completed, the said corporation may erect a gate at either end of said bridge, and demand and receive a toll, not exceeding the following rates, to-wit; every wagon with four horses, fifty cents; every wagon with two horses, twenty-five cents; every four wheeled pleasure carriage drawn with two horses, twenty-five cents; and if drawn by four horses, thirty seven and a half cents; every cart or dray, drawn by two horses, twenty-five cents; each sled, sleigh, or cutter, twenty-five cents; every man and horse, twelve and a half cents; every foot passenger, six and one-fourth cents; every horse, Jack, Mule, or head of neat cattle, three cents and one eighth; every sheep or hog, two cents; but all persons necessarily in attendance in going to and from militia musters, and drill musters, shall be exempt from paying toll; and all persons going to and returning from places of religious worship, and all persons going to, or returning from funerals, shall in like manner be exempt from paying tolls.

SEC. 8. If any person shall wilfully impair or injure the said bridge, he, she, or they, so offending, shall forfeit and pay to said corporation the sum of twenty-five dollars, to be recovered with costs of suit, and shall also be liable to pay the said corporation treble the amount of damages sustained with costs of suit, to be recovered in an action of trespass in any court

of competent jurisdiction.

SEC. 9. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to the corporation eight times the amount of the legal toll, to be recovered by action of debt before a justice of the peace.

SEC. 10. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall demand or receive more than the legal toll, he shall for every such offence, forfeit the sum of five dollars, to be recovered with costs of suit before a justice of the peace, to the use of the person so unreasonably delayed, hindered, or defrauded.

SEC. 11. Such bridge shall be built in such manner and of such height as not to interfere with, or in any manner whatever to obstruct the navigation of said river; the said bridge when completed to be not less than twenty five feet wide, with a sidewalk for foot passengers, with a good and substantial shingle roof and weather boarded.

SEC. 12. If the said bridge shall not be constructed within five years from the passage of this act, then and in that case this act to be null and

to what is a second of the purpose of the purpose of a position of the purpose of a position of the purpose of

void, otherwise to remain in full force for the term of fifty year.s

CHAPTER LXXXVII.

An Act to incorporate the St. Joseph's Manual Labor Collegiate Institute.

(APPROVED, JANUARY 30, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Abner Morse, Caleb Martin, Wm. McCartney, senr., Franklin W. Hunt, Daniel Dayton, S. W. Brace, Elisha Egbert, and George Hunt, senr., and their occessors in office be, and they are hereby constituted and declared to be a body corporate and politic, by the name and style of the "St: Joseph Manual Labor Collegiate Institute," and by that name they shall have perpetual succession. This body corporate or board of trustees shall have power to appoint a faculty in said college, consisting of a president, professors and tutors, as the necessities of the institution may demand, and the faculty so appointed, by and with the approbation of the board of trustees shall have power to grant, and confer such degree in the liberal arts and sciences, as are usually granted and conferred in other colleges in the United States, Provided however, that no degrees shall be conferred or diplomas granted, except to students who have the same proficiency in the liberal arts and sciences as is customary in the United States. The board of trustees shall also have power to contract and be contracted with to acquire, hold, enjoy, and transfer property, real or personal, in their corporate capacity, to make, have and use a common seal, and the same to alter at pleasure, to sue and be sued, plead and be impleaded in any court of law or equity; to receive and accept of any grant, gift, donation, bequest or conveyance by any person or persons, company or corporation, of any property real or personal, and to hold and enjoy and dispose of the same as may be deemed best for the interest of said college; to make, ordain, establish and execute such by-laws, rules and ordinances, not inconsistent with the constitution and laws of the United States or of this State as they shalldeem necessary for the welfare of said institution, and to do all other acts in pursuance thereof necessary for the prosperity of said college: Provided however, it shall not belawful for said corporation to hold or be the owner of real estate exclusive of improvements exceeding in value fifty thousand dollars, and if by donation, devise or otherwise, it should become the legal or equitable owner of real estate of greater value, the same shall be sold by said corporation, so soon as the value of said donation or devise can be obtained. And that no particular religious sect, or particular persons shall have preserence in their admission to the privileges of this institution.

SEC. 2. Said institution shall be located at or within two miles of the village of Portage in the County of St. Joseph and State of Indiana.

SEC. 3. The following shall be the fundamental laws of said institution to wit: the board shall never consist of more than sixteen members, of whom six when regularly convened shall constitute a quorum for the transaction of business. Said board shall at their first meeting after the act of incorporation divide themselves as nearly as may be into four equal classes, the first of which shall go out of effice at the close of the first year and the vacancies be filled by a new election, the second at the close of the second year

in like manner, the third at the close of the third year, and the fourth at the close of the fourth year; and the vacancies be filled by new elections immediately, so that ever afterwards one fourth of the board shall annually go out of office and the vacancies be filled by annual election. The annual election of trustees shall be conducted as follows, to wit: three weeks prior to the holding said annual election, due notice shall be given by the trustees by an advertisement in a newspaper published in the county where said college is situated if any be there published, if not in some newspaper published in one of the adjacent counties nearest thereto, giving notice of the time and place of holding said election. The contributors to said college who may attend said meeting shall then proceed to ballot for four trustees, and any person having a right to vote, not attending may vote by proxy, said contributors at their first or any subsequent annual meeting are at liberty to elect and fill up their board to the number of sixteen, according to the regulations of this act, all of whom shall be bound and governed by its prescriptions. Each contributor shall be entitled to one vote for every ten dollars contributed and paid in towards said institution until said sum exceeds fifty dollars, then one vote for every twenty-five dollars, until the same exceeds one hundred dollars, and for all over one hundred dollars one vote for every fifty dollars, and the four persons receiving a majority of the votes given shall be considered duly elected. The board shall have power at any of the meetings to fill vacancies which may occur in their body, by death, resignation, removal or a failure of the contibutors at any time to assemble and elect trustees as above provided. The elections shall be by ballot. The first meeting of the board of trustees shall be at the village of Portage aforesaid, on the third Monday in March, 1837, or at any time before the last Monday in November thereafter, and the annual elections of trustees shall be at such time in the month of March, or other time before the last Monday in November 1837, and at such place as may be agreed by the board at each preceding annual election.

SEC. 4. To promote the health of students and diminish the expense of their education, the board shall make such arrangements, that those students who desire it may be exercised and instructed in some species of

agricultural or mechanical labour.

Sc. 5. The board of trustees shall make it one of their first, and at present the most prominent object in their efforts to promote literature, to provide the means for conducting an English scientific department in the institution with special reference to the qualifications of teachers of common schools, and further, the board shall make provisions for a department preparatory to the College classes, so long as such department may be found necessary.

Sec. 6. This act is declared to be a public act and the same shall be construed favorably for every beneficial purpose therein intend-

ed.

This act to be in force from and after its publication in the South Bend Free Press, printed at South Bend, Indiana, and to continue in force for the term of fifty years.

CHAPTER LXXXVIII.

An act to provide for the erection of a bridge over the west fork of White Water river at Connersville.

(APPROVED FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all the three per cent. fund belong to the county of Fayette, and now in the hands of the agent of said county, appointed by, the board of County Commissioners, and all of said fund due said county, or which may hereafter be due, by the provisions of an act of the General Assembly passed previous to this time be, and the same is hereby appropriated for the purpose of construction of a good and substantial bridge across the west fork of White Water river at or near the immediate vicinity of the town of Connersville, the county seat of Fayette county: Provided, the whole amount hereby appropriated, be requisite to the completion of said bridge, after the expenditure of the whole amount raised by private subscriptions or donations in favour of the point where said bridge shall be erected.

SEC. 2. That Benjamin John, William Watton, and Thomas J. Sample of Fayette county are hereby appointed commissioners with full power and authority to superintend the construction of said bridge, and the said commissioners are hereby constituted a body corporate and politic with full power to sue and be sued by the corporate name and style of "The Fayette County Bridge Commissioners," and the said commissioners shall before entering upon the duties of their appointment, take an oath for the faithful discharge of their duties, and execute bond payable to the county of Fayette, in the penal sum of five thousand dollars, with security to be approved of by the clerk of Fayette county, conditioned for the faithful discharge of their duties and for the proper application of all moneys which

may come into their hands as such commissioners.

SEC. 3. That it shall be the duty of said commissioners to procure an estimate to be made by a competent engineer, of the cost of erecting said bridge all the points contended for in the location of said bridge, and it shall be the duty of said commissioners to receive donations and subscriptions from individuals to aid in the construction of said bridge, either money or building materials, which may be donated or subscribed in favor of any or all the points contended for in the location of said bridge, the cost of which may have been estimated as aforesaid, and the said commissioners shall have full power to collect by action of debt in their corporate name, all subscriptions made in favour of the points finally selected for the location of said bridge, and the said commissioners shall lay the donations made in favor of each point as aforesaid before the locating commissioners hereinafter appointed to make the location for said bridge.

SEC. 4. That Martin M. Ray, of Centreville, Wayne county, William Cason, of Liberty in Union County, Thomas W. Colscott of Brookville, Franklin county, James Curry of Rush county, and David Maccy of Hen-

ry county, are hereby appointed commissioners to locate the precise point where said bridge shall be erected, and it is hereby made the duty of said locating commissioners to meet at the clerk's office in the town of Connersville on the last Monday in March 1837, or as soon thereafter as practicable, and after having taken an oath before the clerk of the Fayette circuit court for the faithful and impartial discharge of the duties enjoined upon them by this act, to examine all the points on said river where the cost may have been estimated as provided by this act for the erection of said bridge, and finally to select and mark that point for the erection of said bridge, which said commissioners may deem the most conducive to the interest of Fayette county, and the public in general having due regard in such location to the accommodation of the roads which lead to Connersville and to Economy, and permanency in the construction of the same. and as soon as said commissioners shall have selected, and designated said point, they [shall] make out a report of their doings and place the same in the hands of the clerk of said county who shall record the same in the order book of the county board, and the point so selected shall be held and taken as the established point for the bridge herein provided for.

SEC. 5. That in case either of the locating commissioners above named shall fail or refuse to serve, it shall be the duty of the clerk of the court of the county in which such person resides to appoint some suitable person to act in his stead, and forthwith communicate notice of such appoint, ment by letter to each of the commissioners; the commissioners shall each be allowed the sum of two dollars per day for each day employed in the discharge of the duties assigned them by this act, to be paid by the coun-

ty of Fayette as other claims against said county.

SEC. 6. That so soon as the final location of said bridge shall have been made as aforesaid the commissioners appointed in the second section of this act shall proceed to let out in two separate jobs the stone work and the superstructure of said bridge, to the lowest bidder for the same, after having given due publication of said letting, and they shall take from such contractor bond with good security payable to said commissioners in their corporate name for the prompt and faithful completion of said contract in a workmanlike and substantial manner, and the said commissioners shall have full power and authority to sustain any action or actions at law in their corporate name for any breach of the conditions of said bonds.

Sec. 7. It is hereby made the duty of the agent of the three per centfund to pay to the said commissioners any moneys due, or which may hereafter be due the county of Fayette from the three per cent. fund by virtue of any acts of the General Assembly passed previous to this time; and it is also made the duty of any and all persons, in whose hands any portion of the three per cent. fund belonging to Fayette county and unexpended, may be placed, to pay the same over to the said commissioners.

SEC. 8. It shall be the duty of said commissioners to take written releases to the county of Fayette for the right of way, from each of said points of which the cost of a bridge may have been estimated, from the persons through whose land any or all of the roads must necessarily pass to get to the said bridge on either side of the river, which shall be filed in the clerk's office of said county.

SEC. 9. It shall be the duty of said commissioners to pay over to the board of Fayette county commissioners the balance (if any) of the three per cent. fund which may remain in their hand after the completion of the said bridge, and the necessary grading to facilitate access to the same.

SEC. 10. In case of a vacancy in the board of commissioners from any cause whatever, it shall be the duty of the board of commissioners of Fayette county to appoint some suitable person to fill such vacancy, who shall give bond, and qualify as above provided, before [entering] upon the duties assigned him by this act, and it is hereby made the duty of the Fayette county commissioners to meet on receiving notice from the clerk of the circuit court to make such appointment.

SEC. 11. The said commissioners shall be allowed to retain in their hands one dollar each per day for every full day necessarily engaged in

discharging the duties assigned them by this act.

This act to take effect and be in force from and after its publication in the Watchman at Connersyille.

CHAPTER LXXXIX.

An Act to incorporate the New Albany Hotel Company.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be, and is hereby incorporated a company in the town of New Albany, in the state of Indiana, for the purpose of erecting and cotinuing a Hotel by the name and style of the New Albany Hotel company, and said company are hereby created a body politic and corporate with perpetual succession,—and the said company, by the name and style aforesaid, shall be able and capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answeredunto in all courts of competent jurisdiction either at law or equity. They shall also, in the said corporate name and character be able and capable in law to contract and be contracted with, to purchase, acquire, hold, possess, have, use, occupy and enjoy any and all such real and personal estate and property as may be necessary and convenient for the accomplishment of the objects of their association, and the same or any part thereof whenever and as often as may be deemed necessary or convenient for them to lease, sell rent, mortgage and convey: Provided, That the real and personal property of said corporation shall at no time exceed in value the sum of two hundred thousand dollars.

SEC 2. The capital stock of said company shall not exceed the sum of one hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shares may be subscribed and paid for as hereinafter

directed.

SEC. 3. Seth Woodruff, Robert Downey and Charles A. Clarke and. Jacob Anthony, and John Brown, be, and they are hereby appointed commissioners to receive subscriptions for stock in said company, and said commissioners, or any three of them, first having given twenty days public notice thereof at some convenient place in the town of New Albany aforesaid, shall meet at such place and time and there open books to receive subscriptions to the stock, and shall keep said books open for the space of five days at least, and as much longer as they may deem proper, and if at the time of closing said books there shall be stock subscribed for to the amount of twenty thousand dollars, the said commissioners shall forthwith give public notice thereof, and call a meeting of the subscribers for stock, to be held at any time they may appoint after twenty days notice, and at some convenient place, for the election of five directors of said company, which election shall be conducted in such manner and by such rules as the said commissioners or a majority of them shall adopt, they or any three of them acting as the officers of said election, and the five persons receiving the highest number of votes shall be by said commissioners declared duly elected directors of the "New Albany Hotel company," to serve for the term of one year from the day of such election, and until their successors have been elected and qualified.

SEC. 4. Each and every subscriber for stock at the time of subscribing shall pay into the hands of said commissioners one dollar on each share by him subscribed for which shall be by said commissioners paid into the hands of the treasurer of said company on the order of the President and directors; but if the said sum of twenty thousand dollars should not be subscribed for as herein before required, then said commissioners shall return to said subscribers the money so by them advanced after deducting all reasonable expenses and charges incident to the duties by them the said com-

missioners performed as herein required of them.

SEC. 5. There shall be held annually on the second Monday in May, or on such other day as a majority of said directors may appoint an election for five directors of said company who shall serve as such until their successors are elected and qualified. At all such elections, each share of stock shall entitle the holder or proprietor thereof to one vote, and the stockholders may vote by themselves or proxy, the five persons receiving the highest number of votes shall be declared duly elected. At such elections the stockholders in attendance at the time of opening the polls shall elect one of their number to act as inspector, and said inspector shall call to his assistance any other two of the stockholders to act as judges of the said elections. Provided that no person shall be elected to the office of director in said compary who is not, at the time of the election a bona fide stockholder therein.

SEC. 6. Any vacancy which may occur in the directory of said company by death, removal, resignation, or otherwise, shall be filed by a vote of the remaining directors, and any directors of said company who shall cease to be a stockholder, shall be considered as having vacated his office.

SEC. 7. That said directors as soon after their election as may be convenient, shall hold a meeting and elect one of their number President of their

board, and shall then proceed to discharge the duties enjoined upon them

by this act.

SEC. 8 The affairs and business of the company shall be solely under the direction, superintendence, and control of the president and directors. elected and appointed as aforesaid, a majority of whom shall constitute a quorum for the transaction of business; and they are hereby fully authorzed to do and transact the same, and the said President and directors are authorized and impowered to do, transact, and perform for, and on behalf of said company, all and whatsoever the said company are by this act authorized to do, transact and perform, and to make appoint, and employ, and at pleasure to remove and discharge any and all necessary attorneys, officers, agents, mechanics, workmen, laborers, and servants, for transacting and performing the affairs and business of said company, and to allow them a reasonable compensation for their services. Said president and directors shall appoint a Secretary and Treasurer of said company, who shall be removable at their pleasure. They shall also keep or cause to be kept complete books and entries of all their doings and transactions which shall at all times be open to the inspection of any of the stockholders. They shall also have power to ordain, make, and establish such rules, ordinances, and by-laws as may be necessary for their own regulation-for determining the time and place of the company elections, and for directing the conduct of the agents, officers, servants, and such other persons as may be under the employment of said company, not inconsistent with the laws and constitution of this state, and of the United States. The said President and directors shall have power to make use and adopt a common seal, and the same to break and after at pleasure.

SEC. 9. The said President and directors shall also have power to demand of the subscribers to stock payment in whole or in part in such manner and at such times as they may deem expedient. But all calls shall be made equally on each share, notice of each call shall be published at least twenty days before the day it is required to be paid; and if any stockholder shall fail to make payment according to the requirement of said President and directors, they may in their discretion declare the stock of said stockholder on which such payment shall not be made, and all previous payments thereon forfeited, whereupon the same shall be taken and held

to be absolutely forfeited to said company.

SEC. 10 If at any time the President and directors shall discover that an increase of stock is desirable, they may, after giving twenty days notice of the time and place, open books for the subscription of stock to be regulated by such rules as they in their discretion may adopt, but they shall not extend such increase so as to exceed the capital herein allowed.

SEC. 11. The stock of said company shall be transferable and assignable on the books of said company in such manner as shall be prescribed by the President and directors, and such stock shall in all respects be held and considered personal estate, and as such subject to execution against the proprietor.

SEC. 12. All contracts with said company evidenced by the signature of the President and countersigned, by the secretary shall be deemed va-

lid in law, against said company except in cases where a seal is required to be used by the law of the land, in which cases said company shall be bound by the signatures and seals of a majority of the board of directors, attested by the secretary.

SEC. 13. The treasurer shall give such bond, in such sum, and with such security as shall be required of him by the president and directors. The secretary shall keep a record of the proceedings of the board, which shall always be open for the inspection of the stockholders; and said treasurer and secretary shall be controlled by such rules as said president

and directors shall adopt for their regulation.

SEC. 14. Said President and directors shall once a year at least, cause to be made out and exhibited to the stockholders a complete statement of all receipts, disbursements, and expenditures of the company for the preceding year, and shall declare such dividend as they may deem proper and pay the same to the stockholders after such manner as they may designate.

Sec. 15. The said President and directors shall make such allowance or allowances to commissioners hereinafter named, as to them, the President and directors, may seem just and right, and the stockholders may at any of their elections whether they will allow any, and if any, what com-

pensation to the President and directors of said company.

SEC. 16. That all the property of said corporation, both real and personal, as well as the private property of each stockholder shall be liable for all debts and demands against said corporation which were created during the time said person was a stockholder.

SEC. 17. This act shall be construed liberally, and is hereby declared to be a public act, to take effect and be in force from and after its publica-

tion.

CHAPTER XC.

An act to incorporate the Crawfordsville, Rockville and Terre Haute Turnpike
Company.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Millians, John Elmore, and Isaac Rice, of the county of Montgomery, Jacob Durham, Jefferson Miller, and Andrew Gardner of the county of Putnam, T. A. Howard, Matthew Nocl, and James M'Campbell, of Parke county, L. H. Scott, James Wason and James T. Moffitt of Vigo county, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed, a body politic and corporate, and by the name and style of the President and Directors of the Crawfordsville and Terre Haute Turnpike Company, shall be able and capable in law and equity to defend and be defended, answer and be answer-

ed unto, in any and all courts of justice whatsoever, to make and use a common seal, and the same to alter, change, or renew at pleasure, and shall be able in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

SEC. 2. The capital stock of said corporation shall be two hundred thousand dollars, divided into shares of fifty dollars each, with power to increase the capital stock, if necessary, to accomplish the objects herein

contemplated.

Sec. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree upon, and organize said corporation by electing one of their own body to be president, and after such organization, any three of said board shall be a quorum to do business; but after an election for directors it shall require five to form a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurer, surveyors, engineers, superintendent, artists and all other officers and persons, necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered, all the by-laws, rules and regulations, and all orders for the payment of such allowances, as may be made to their officers, and all others in their employment, which journal shall from time to time be read, corrected and signed by the president; they may set on adjournment, or on the call of the president; when the president is absent they may appoint a president protempore; they shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places, as they may choose, due notice of which shall be given in some public newspaper in this state, in each of which books the following entry shall be made. We, the undersigned, promise to pay the sum of fifty dollars, for each share of stock set opposite our names, in such manner and proportions, and at such time as the president and directors of the Crawfordsville and Terre Haute Turnpike Company may direct. Witness our hands this

day of

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, to subscribe for any amount of the capital stock, and the said corporation may, by an agent, offer for sale, in every other state, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power, on their own credit, to borrow money upon such terms as may be agreed upon by the parties, as the corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but the amount required shall be made known at the notice for opening books, and any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as five hundred shares are subscribed for, and five dollars paid on each share, it shall be the duty of the corporation to give three weeks notice thereof in some newspaper in this state, and in such

notice appoint a time and place for the stockholders, to meet and elect eleven directors who shall be stockholders and citizens of this state, and which election shall be by ballot, conducted under the superintendance of one inspector and two judges appointed by the stockholders present, and the persons having the highest number of votes, for directors shall be declared duly elected. No share shall confer the right to vote at any election, unless the same have been held one month previous to the election; in all elections each share shall entitle the holder to one vote only, to be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, or trustee, or guardian, or by the agent of any corporation, or any person having a right to vote may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above and these elected at all subsequent elections to meet as soon thereafter as may be convenient, and elect one of their body to be president. The president and directors thus elected, shall continue in office until the next annual elec-

tion, and until their successors are elected and qualified.

SEC. 9. All the elections after the first, shall be held on the first Monday of January, annually, under the direction of the stockholders present; of which election notice shall be given, but should no election be held on the day appointed by this act, or by the directors for the first election, it

shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholder which shall be evidence of stock held. They shall be signed by the president and countersigned by the clerk; the stock shall be transferable on the books of the corporation only, or by an agent or attorney, or by the administrator, executor, trustee or guardian, but such stock shall be at all times holden by the corporation for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on a

contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such portions of the stock subscribed, not exceeding twenty-five per centum every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in some newspaper within the State, or by giving written notice to the stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall neglect or refuse to pay said requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount thus called for, in any court of competent jurisdiction, and recover the amount with two per cent. interest thereon per month, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation, with whatever amount may have paid thereon, and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully satisfied. The coporation shall require of all officers and others in their employ, bond, with security as they may think proper, for the faithful performance of their respective duties.

Sec. 12. The corporation by their agent shall have power from time

to time to examine, survey, mark and locate the route for a turnpike road from Crawfordsville, in Montgomery county, via Russelsville, in Putnam county, or Waverland, in Montgomery county, to be determined by the board at their first or at some subsequent meeting via Rockville and Roseville in Parke county to Terre Haute in Vigo county on the most elligible ground, commencing at the said town of Crawfordsville, with full power to diverge from a direct line between the points named where more favorable ground can be obtained for the construction of said road, the same to be not more than sixty feet in width. It is further provided, That the said corporation shall have full power and authority to open books for the subscription of stock to be subscribed for the constructing and completing of said road, beginning at such point as said corporation may deem most advisable under the regulations and provisions of this act.

SEC. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents or persons in their employ to enter upon any land, to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for constructing said road; but no stone, gravel or other materials shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation shall be ascertained and

paid.

Sec. 14. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from any person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction of said road, as also the stone, gravel, timber or other materials, may be obtained on said route, and may contract for stone, gravel, timber and other materials that may be obtained from any lands near thereto, to receive by donations, gifts, grants or bequests, lands, money, labor, gravel, stone or other materials for the benefit of said corporation, and all such contracts, relinquishments and donations, gifts, grants or bequests made and entered into in writing, by any person or persons, able in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may and shall have their action at law in any court of competent jurisdiction, in compliance thereto: Provided, That all grants, &c. and bequests, shall be made in writing by the party making the same.

SEC. 15. That in all cases where any person, through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such circumstance may occur or exist, and such justice shall thereupon summon the owner of such land to appear before him, on a particular day within ten days thereafter, and shall appoint twelve disinterested persons, of the neighborhood, who shall after taking an oath faithfully and impartially to assess the damages if any view the lands or materials; and after taking into consideration the advantages or disadvantages the road may be to the same, report thereon whether the person is entitled to damages, or not, and if so how much, and shall file such report with such justice;

whereupon such justice shall enter judgment thereon, unless for good cause shown; and in case either party shall show sufficient cause, why there shall not be judgment entered, the justice may grant a review of the premises, either with or without costs, *Provided*, either may, at any time after the rendition of judgment, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers, as above stated, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final when rendered.

Sec. 16. And in all cases where the owner or owners of such lands or materials, shall be minors or insane persons reside out of the county where the land may be such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers to be posted up in three of the most public places in the county, and if no person should appear on the day named in said notice, such justice shall adjourn the same till that day two weeks, at which time he shall proceed as if such person had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by the payment of costs and damages awarded against them, the corporation shall be seized of the lands or material, costs shall be awarded against either party, at the discretion of the justice.

SEC. 17. If it shall be found necessary, to the construction and location of said road, the corporation shall have the power to lay the same along and upon any state or county road, Provided, however, before such locations shall be made, the corporation shall apply to the county commissioners in their respective counties, through which such county or state road may run, for such right; and such commissioners are hereby vested with full power to grant to said corporation such right, and enter the same on the record books of said county, or counties, as the case may

be.

SEC. 18. That when said corporation shall have procured the right of way as here in provided, they shall have the sole use and occupancy of the same, for the purposes aforesaid; and no person body corporate or politic shall in any way intefere with, molest, injure or disturb, any of the rights and privileges hereby granted.

SEC. 19. The corporation shall commence the construction of said road, and complete the same within twenty years from its commencement: Provided however, that if any portion of said road be completed within the time aforesaid, this charter shall not be forfeited as to that part of the road so completed, although the residue of said road may not have been completed, within the time aforesaid.

SEC. 20. The corporation shall cause said road to be opened not exceeding sixty feet and shall maintain and keep the same in good repair.

SEC. 21. That when said road after its completion or any section thereof shall be suffered, to go to decay or be impassable, for one year, unless when the same is repairing, this charter shall be considered as forfeited.

SEC. 22. That when said road or any particular section thereof shall be located, it shall be the duty of said corporation to cause a plat or plats

thereof to be deposited in the office of the Secretary of State, and after that time it shall not be lawful for said corporation to alter or change thereof, unless said corporation pay the owner or owners of land on said route, the amount of damages they may sustain by such change.

SEC. 23. So soon as the said corporation shall have completed the road aforesaid, or any section thereof, or ten miles of any section, they shall file in the Secretary's office, the number of miles of said road as completed, the corporation may then erect a gate or gates, at suitable distances apart, not less than ten miles and demand and receive of per-

sons traveling said road, the toll allowed by this act.

Sec. 24. The following shall be the rates of toll for each and every ten miles of said road, and the same in proportion for a greater or less distance to wit: for every four wheeled carriage, waggon or other vehicle, drawn by one horse or other animal eighteen and three fourth cents; for every cart, chaise, or other two wheeled carriage, drawn by one horse or other animal, in addition, twelve and one half cents; for every horse or other animal, in addition, six and one fourth cents; for every sled or sleigh (drawn) by one horse or other animal, twelve and one half cents; for every horse or other animal, in addition, six and one fourth cents; for every coach, chariot or other four wheeled pleasure carriage drawn by one horse, twenty five cents; for every additional horse twelve and one half cents; for ever horse and rider, six and one fourth cents; for every horse, mule, or ass six months old and upwards, led or driven, three cents; for every head of cattle, six months old and upwards, one cent; provided, that all persons going to and returning from public worship, and all militia men, going to and returning from musters, and all funeral processions, shall pass said road free of toll; provided, also, that the legislature may at any time after the expiration of the time of the completion of said road. or any section thereof, make any reasonable alteration in the rates of tolls aforesaid.

SEC. 25. If any person shall, with intent to defraud said company, or to evade the payment of toll, pass through any private gate or bars, or along any ground near any turnpike gate which shall be enclosed pursuant to this act, or shall practice any fraudulent means with intent to evade or lessen the payment of such toll, or any person shall take another off said road with intent to defraud said corporation; each and every person concerned in such fraudulent practice, shall for every such offence, forfeit and pay to the corporation the sum of five dollars, with costs of suit, in an action of debt, at the suit of the corporation, before any justice of the peace in the county, Provided, that nothing in this act shall be so construed, as to prevent persons residing on said road, from passing thereon about their premises, between the gates for common and ordinary business.

Sec. 26. The corporation shall at all times after the completion of said road, or any ten miles or upwards keep the same in good repair.

Sec. 27. If any toll gatherer on said road shall unseasonably detain any passenger after the toll has been paid, or tendered, or shall demand or receive a greater rate of toll than is by this act allowed, he shall for evcry such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace, having competent jurisdiction.

at the suit of the parties injured.

SEC. 28. The corporation shall cause to be kept a fair account of the whole expense, of making and repairing said road, or any section thereof, with all individual expenses, and also a fair account of the toll received. and the state shall have the right to purchase the stock of said company. at any time after twenty years, on paying said corporation a sum of money, which together with the toll received, shall equal the costs, and expense of said turnpike road, as aforesaid, with an interest of twelve per centum per annum, and the books of the corporation shall always be open for the inspection of any agent, of the state, appointed for that purpose by the Legislature, and, if said corporation shall neglect or refuse to exhibit at any time their accounts agreeably to this section, when thereto required then all the rights and privileges, granted by this act, shall cease and be at an end.

SEC. 29. The corporation shall be and are hereby authorized and empowered to demand and receive the same toll and proceed in the same manner, to collect the same from the driver, owner, or owners, of any stage, carriage, or sleigh in which shall be conveyed the mail of the United States, as they have by this act a right to do, from the driver of similar carriages and sleighs, drawn by the same number of horses, in which no mail is carried, any law to the contrary notwithstanding, Provided, that nothing herein contained shall be so construed, as to empower said corporation, their agent or agents, to stop or detain any person carriage, sleigh, or horse while actually employed in the conveyance of said

Suc. 30. It shall be lawful for the county commissioners or board of magistrates, having the charge of county business, of each and every county through which said road runs, for and in behalf of such county, to authorize by an order as much of the stock to be taken as they may think

SEC. 31. This act to be limited to fifty years in its duration, and to take

effect and be in force from and after its publication.

CHAPTER XCL

An Act relating to State Roads.

(APPROVED, FEBRUARY 6, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That George Taylor of Marshall county, and Isaac Metcalf of Kosciusko county, be, and they are hereby appointed commissioners to view, mark and locate a State road from the county seat of Noble county, thence to Leechurgh in Kosciusko county, thence to the town of Plymouth, in Mar-39

shall county, on the most suitable route, and to do as little injury to the farms through which said road may run as possible.

SEC. 2. Joseph Robbins of Fulton county, and Henry Falkner of Kosciusko county be, and they are hereby appointed commissioners to view, mark, and locate, a State road, from the town of Rochester, in the county of Fulton, thence to the town of Warsaw, in the county of Kosciusko, thence to the county sent of Noble county.

SEC. 3. That William S. Johnson of Huntington county, Ludlow Nye of the county of Kosciusko and Adam Vinage of Marshall county be, and they are hereby appointed commissioners, to view, mark and locate a State road from the town of Huntington in Huntington county, thence to Warsaw, thence to cross Tippecanoe, at Peter Warner's saw-mill, in Kosciusko county, and thence to intersect the Michigan road, at the most suitable point to connect with the Yellow river State road, with a due regard to the interest of the public.

SEC. 4. That George Maser of the county of Martin, and William II. Routt of the county of Daviess be, and they are hereby appointed commissioners to view, mark and locate a State road, commencing at the town of Washington in Daviess county, thence on the best route to the county line between the counties of Martin and Lawrence, where the county road leading from Bedford to Washington crosses said line.

SEC. 5. That so much of the county road leading from Bedford to Washington, as lies within the county of Lawrence be, and the same is hereby declared a State road, and that all acts and parts of acts coming within purview of this act be, and the same are hereby repealed.

SEC. 6. That Levi Griffith of the county of Henry be, and he is hereby appointed a commissioner, to view, mark and locate a State read from Fort's, on the Knightstown and Pendleton State road, in said county, thence via Woodville to Middletown, on the nearest and best route between said points.

SEC. 7. That George Z. Lalyer of Porter county be, and he is hereby appointed a commissioner, to view, mark and locate a State road from the town of Valparaiso, in Porter county, on the most direct and best route, to intersect the State road from Monticello to Michigan city, at or near the north line of White county.

SEC. 8. That Isaac Cornell of the county of Porter be, and he is hereby appointed a commissioner, to view, mark and locate a State road from the town of Valparaise, in Porter county, thence westwardly on the most direct and best route, to the Illinois State line, in the direction of the upper rapids of the Kankakee river.

Sec. 9. That Daniel McLeaming of Laporte county, William Frakes of Porter county, and William Halton of Lake county be, and they are hereby appointed commissioners, to view, mark and locate a State road from the town of Laporte, in Laporte county, on the nearest and best route, to the town of Valparaise, in Porter county, thence west, by the way of the seat of justice of Lake county, to the Illinois State line, in the direction to Juliet in the State of Illinois: Provided however, That if the seat of justice in said county of Lake, shall not be located at the time of the location of such State road, the commissioners aforesaid will proceed

to locate said road on the nearest and best route from the town of Valparaiso, west to the State line, in the direction of Juliet, in said State of Illinois.

SEC. 10. That John Mahan and William Duckworth of Sulivan county be, and they are hereby appointed commissioners, to view, mark and locate a State road from the Vincennes and Eel river State road at or near Eli Newkirk's, thence via Adam Wilson's, in Sullivan county, so as to intersect the road that leads from Smith's ferry to Haney creek, at or near the brick meeting house, in Vigo county.

Sec. 11. That William Shields of Jackson county [and] Benjamin Williams of Brown county be, and they are hereby appointed commissioners, to view, mark and locate a State road from Stanfield's mills, in Jackson county, by Rockford in said county, to the county seat of Brown county.

SEC. 12. That Samuel Cason of Boone county be, and he is hereby appointed a commissioner, to view, mark and locate a State road from Thorntown, in Boone county, to Frankfort in Clinton county.

SEC. 13. That Wesley Park of Dekalb county, Seth W. Murry and Cornelius Gilmore of Stuben county be, and they are hereby appointed commissioners, to view, mark and locate a State road from Fort Wayne, Allen county, by Auburn, in Dekalb county and the center of Stuben county, to the northern like of this State, in the direction of Coldwater, Michigan,

SEC. 14. That Henry Hasteler of Noble county and Wesley Parke of Dekalb county be, and they are hereby appointed commissioners, to view, mark and locate a State road from Goshen, Elkhart county, by way of the center of Noble county, and Auburn, Dekalb county, to the eastern line of this State, to cross the St. Joseph river at Washington Robinson's.

Sec. 15. That Gideon Conklin of Carroll county and John Dunn of Grant county be, and they are hereby appointed commissioners, to view, mark and locate a State road from Delphi, Carroll county, to Marion in Grant county.

SEC. 16. That Daniel Dale and John W. Wright of Cass county, and Solon Robinson of Lake county be, and they are hereby appointed commissioners, to view, mark and locate a State road from the court house square in Logansport, Cass county, thence to the center of Lake county, on the most practicable route. Also, a branch of the same, to diverge from it at some convenient point, to or near the geographical center of Newton county; and also, another branch of the same, to diverge from some convenient point on the same, to or near the geographical center of Stark county.

SEC. 17. That Absolom Little, of the county of Clark, and Green Neil of the county of Floyd, be, and they are hereby appointed commissioners to view, mark and locate a state road from Clarksburgh in Clark county, crossing Big State run near the forks thereof, to or near New Albany, in Floyd county.

SEC. 18. That Hooper Hunt, of Lafayette, Tippecanoe county, be, and he is hereby appointed a commissioner, to view, mark, and locate a

state road from Lafayette, county aforesaid, to the line dividing this state from Illinois, in the direction of Chicago, in the state last named.

SEC. 19. That William Watson, of Sullivan county, be, and he is hereby appointed a commissioner to view, mark, and locate a state road from Merom, in Sullivan county, via Smith's mills and Buseron, to Rawley's mills in Clay county, to intersect the road from Carlisle to Rawley's mills, at or near the south edge of Eel river prairie: Provided, That the expense of said location be paid out of the treasury of Sullivan county.

SEC. 20. That Henry P. Keen, George Boen, Ignatius Abel, of Harrison county, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Corydon, Harrison county, to the Ohio

river opposite the mouth of Salt river, Ky.

SEC. 21. That Richard Adams, of the county of Wabash, be, and he is hereby appointed a commissioner to view, mark, and locate a state road from Rochester in Fulton county, to the Northeast corner of Section 24, town 30, North of range 4 East, from thence on the nearest and best ground to Manchester, in Wabash county, thence to cross Eel river at John Comstock's, thence on the nearest and best ground to intersect the Fort Wayne and Yellow river state road, where it crosses Eel river.

Sec. 22. That John Timonton jr., be, and he is hereby appointed a commissioner to view, mark, and locate a state road from the canal bridge in the town of Lagrove, Wabash county, to run as near as practicable, on the section line between sections 26 and 27, in town 28, North of range 7 East, thence due north until it intersects the Huntington and Goshen state road.

Szc. 23. That John Comstock, be, and he is hereby appointed a commissioner to view, mark, and locate a state road from Westminster, in Kosciusko county, on the nearest and best ground to Warsaw, in said

ounty.

Sec. 24. That John Brooks, of Wabash county, be, and he is hereby appointed a commissioner to view, mark, and locate a state read from Wabash, in Wabash county, on the nearest and best ground, to Laketon, in said county, thence to Warsaw in Kosciusko county, thence by way of Leesburgh, in said county, on the nearest and best ground to Goshen, Elkhart county.

SEC. 25. That the county road leading from Caledonia in Sullivan county, to Isaac Pearson's, in said county, be, and the same is hereby de-

clared a state road.

SEC. 26. That John J. Loring of Clay county, be and he is hereby appointed a commissioner to locate a state road from Isaac Pearson's in Sullivan county, to Rawley's mills in Clay county.

SEC. 27. That the county road from Rawley's mills to Bowlingreen

be, and the same is hereby declared a state road.

Spc. 28. That George Pomeroy, of the county of Marshall, and Isaac Blake of the county of White, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Plymouth, Marshall county, on the nearest and best ground, to Monomie village, thence to Cobb's mill seat on Yellow river, thence to Birmingham on Maxenkakee lake, [ethnce] to Monticello in White county.

Sec. 29. That Luther Calvin and Benjamin F. Anold, of Bartholomew county, and Lazarus-Robinson, of Brown county, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Morgantown in Morgan county, by the way of Colier's lick, to Columbus in Bartholomew county. Said commissioners and their hands, so far as their services are rendered in Brown county, shall be paid out of the three per cent. fund of said county.

SEC. 30. That James Sample, of the county of Beene, be, and he is hereby appointed a commissioner to view, mark, and locate a state road, commencing at or near the half mile stake on the county line between Hamilton and Boone, in section twenty-five, township twenty North, and range 2. East, thence West to the Michigan Road, thence on the nearest and best route to Lebanon, as a continuation of the Greencastle and Leb-

anon state road.

SEC. 31. That John Boswell and John Ensley, of Bartholomew county, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Columbus, Bartholomew county, north, on the road from Columbus to St. Omar, to where the Shelbyville road leaves the said road, thence on the Shelbyville road by way of Hooper's mills to intersect the state road at the bluffs of Blue river.

SEC. 32. That be, and hereby be appointed commissioner to view, mark, and locate a state road from Evansville, Vanderburgh county, to the bridge across Big Pigeon creek, near the Salt well, thence on the nearest and best route to intersect the present road from Evansville, to Cyn-

thiana at the cross roads near Edward Roger's farm.

Sec 33. That James Pearson of Jackson county, be and he is hereby appointed commissioner to view, mark, and locate a state road from Madison, Jefferson county, by the state ford on the Muscatitick river in Scott county, and Langdon's mills in Jackson county, to Brownstown in said county.

Sec. 34. That Jesse Wetmore, of Wells county and Eli Blunt, of Jay county, be, and they are hereby appointed commissioners to view, mark, and locate a state roadfrom Fort Wayne, Allen county, to Murray, Huntington county, thence to the South east corner of section 4, township 21 North, of range 11 East, thence to Munceytown, Delaware county.

SEC. 35. That Temple C. Byne, of Harrison county, and Mordecai Collins, of Floyd county, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Corydon, in Harrison coun-

ty, to Greenville, in Floyd county.

SEC. 36. That Allen Barnes of White county, and John Love of Carroll county, be and they are hereby appointed commissioners to view, mark, and locate a state road, from Lockport in Carroll county, to Monticello, in White county.

SEC. 37. That Wilson Malone of Porter county, be, and he is hereby appointed a commissioner to view, mark and locate a state road, from the town of Valparaiso, in Porter county, on the best ground to the town of

Liverpool in Lake county.

Spo. 38. That Nathan Davis of Lake county, be, and he is hereby ap

pointed a commissioner to view, mark, and locate, a state road from the town of Liverpool in Lake county, to the Illinois state line, in a direction to Thorntown Illinois.

SEC. 39. That Morris Witham of the county of Porter, be, and he is hereby appointed a commissioner to view, mark, and locate a state road from the town of Valparaiso in Porter county, on the best route to the Yellow river state road, in Laporte county, at or near Griffin Treadway's via, John T, and Henry L. Vail's mill in Laporte county.

SEC. 40. That M. H. Waddell of Posey county, and William Steel of Gibson county, be, and they are hereby, appointed commissioners to view, mark and locate a state road, from Diamond Island ferry, on the best route through New Harmony, to a point on the Wabash river op-

posite Mount Carmel.

SEC. 41. That J. W. Lilleston of Posey county, and W. R. Baker of Vanderburgh county, be, and they are hereby appointed commissioners, to view, mark, and locate a state road, from a point on the Ohio river opposite Henderson, Kentucky, on the best route to New Harmony in Po-

sey county.

Sec. 42. That the road leading from Rockford in Jackson county, to Luger's ferry on Miskatatack, where it intersects the state road from M. Daniel's ferry on the Ohio river, via Charlestown and Brownstown, be, and the same is bereby declared a state road. And that Hiram Kress, and Anderson Franklin, of Jackson county be, and they are hereby appointed commissioners to survey and locate said road, and to make such alterations as they may deem just and right.

Sec. 43. That Daniel Harris and John Hart of Dubois county, and Elisha Kilborne of Martin county, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Mount Pleasant in Martin county, to Haysville in Dubois county, thence to intersect the state road, leading from Troy in Perry county, to Washington in Daniel

viess county.

SEC. 44. That Samuel Sovran and Jesse Julian of Cass county, be, and they are hereby appointed commissioners to view, mark and locate a state road from Logansport, Cass county, crossing tweeve mile creek, at or near (on the north) George Lowran's saw mill, to the county seat of Noble county.

Sec. 45. That John Sumon and Joseph Bentley, be, and they are hereby appointed commissioners to view, mark and locate a state road from Andersontown in Madison county, thence running on the North west side

of White river to Munceytown.

Sec. 46. That William Hadley, John Hadley, and William Harvey of Morgan county, be, and they are hereby, appointed commissioners to view, mark, and locate a state road, beginning at a road leading from Mooresville in Morgan county to Greencastle in Putnam county, where said road passes sections 34 and 35, township 14 north of range one East, thence south to the road leading from Mooresville to Monrovia in said county of Morgan.

SEC. 47. That Henry Buck of the county of Madison, be, and he is hereby appointed a commissioner to view, mark, and locate a state road,

in the county of Madison, commencing at Mooresville, and from thence to the town of Alexandria, in said county, and from thence on the nearest and best route in the direction of Marion in Grant county, so as to intersect the Chesterfield and Grant county state road at some point north east of Alexandria.

SEC. 48. That William II. Williams of the county of Henry, be, and he is hereby appointed a commissioner to view, mark, and locate a state road, from Wesley Goodwin's in said county of Henry, via sulphur springs, to the half mile stake in section three, on the township line dividing townships 18 and 19, and running thence on said towdship line to Middletown. The whole of the county road running from Wesley Goodwin's via Sulphur springs and intersecting the state road running from Middletown in Henry county to Chesterfield in Delaware county is hereby declared to be a state road

Sec. 49. That Job Gardner, be, and he is hereby appointed a commissioner to view, mark, and locate a state road, from Middletown in Henry county to the town of New Cumberland in Delaware county.

SEC. 50. That John Ergenbright of Bartholomew county, and Arthur Robinson of Johnson county, be, and they are hereby appointed commissioners to view, mark and locate a state road from George Baker's in Bartholomew county on the nearest and best route to George Hollen-

becks in Johnson county.

SEC. 51. That John Ergenbright of Bartholomew county, and Arthur Robison of Johnson county, be, and they are hereby authorized to view, mark and locate a state road, from a point where the road running from George Baker's to George Hollenbeck's crosses Ninevella creek in Bartholomew county to intersect the Edinburgh and Martinsville state road, at or near John Finley's in Johnson county, and that so much of the Mock's ferry road as lies between George Baker's and George Hallenbecks be, and the same is hereby vacated.

SEC. 52. That Jacob Wolf of Noble county, be, and he is hereby appointed a commissioner to view, mark and locate a state road [from] Crassovis' mill in Kosciusko county, thence by Good Hope post office, to

Legasier in Noble county.

Sec. 53. That Sidney Williams of Marshall county, be, and he is hereby appointed a commissioner to view, mark and locate a state road from Warsaw in Kosciusko county, thence to the Michigan road lands, thence to the Tippecanoe river near the second principal meridian line.

SEC. 51. That the county road leading from the county line of Clay and Vigo to the crossing of the Spencer and Terre Haute state road via William Christie's to the intersection of the same with the said state road at or near the Burks creek bridge in the county of Clay, be, and the

same is hereby declared a state road.

SEC. 55. That Moses Prewitt, Robert M. Ellioft, George B. Wagner, Simpson Richee and William Rogers, be, and they are hereby appointed commissioners, to view, mark and locate a state road, from Charles Martin's mill in the county of Vanderburgh, to Evansville via. the lower bridge on Big Pigeon creek, on the road from Evansville in said county to New Harmony in Posey county.

Sec. 56. That Robert Latso and Enoch Carl, be and they are hereby appointed commissioners to view, mark and locate a state road, from James Latso's, on the state road leading from Lima to Fort Wayne, thence to or near the centre of the south east section twenty five, range nine, thence to or near the mouth of Clear Spring creek, thence to the south east corner of section fifteen, township thirty six, range nine east, thence north one half [mile,] thence on the best route to Chase's mill.

SEC. 57. That Samuel Sackett of Kosciusko county, be, and he is hereby, appointed a commissioner to view, mark and locate a state road from the town of Wolf Lake, in Noble county, thence on the nearest and best route to Milford in Kosciusko, and thence on a northwesterly direction to intersect the state road leading from South Bend to Huntington, in Hun-

tington county.

SEC. 58. That the act entitled an act, approved 31st January, 1835, to establish a state road from Martinsville in Morgan county, via. Middletown in Owen county, Chance's ferry on Eel river, thence to Hayns' in Vigo county, be so amended as to make the half mile stake between section number twenty seven and thirty four, in township twelve north, of range five west, a point on said road: and John Nice of Clay county and Norman Holt of Owen county, be and they are hereby appointed commissioners to locate said road, in pursuance of said act and this amendment.

SEC. 59. That Benjamin M. Keen and Enoch Dole of the county of Vigo, be, and they are hereby appointed commissioners to locate so much of the Fredericksburgh and Terre Haute state road as lies in Vigo county, said commissioners shall in the location of said road be govered in all respects by the law declaring said road a state road, approved February 2, 1832: Provided, that in locating said road direct reference shall be had to the private right and convenience of those who may reside on the lines thereof.

SEC. 60. That John Helm of the county of Hamilton, Samuel Brooks of the county of Hancock, be and they are hereby appointed commissioners, to view, mark and locate a state road, beginning at Germantown in Marion county, running thence in a southeastern direction where the said road will cross the bridge across Fall creek, thence in a northeastern direction until it intersects the section line, dividing sections number ten and fifteen, thence on the county line dividing the counties of Hamilton and Hancock, to the intersection with the Indianapolis and Pendleton state road, thence on said county line to its intersection with the Noblesville and Greenfield state road.

SEC. 61. That Samuel Martin of the county of St. Joseph, and William Blair of the county of Kosciuske, be, and they are hereby appointed commissioners, to view, mark, and locate a state road from South Bend in St. Joseph county, upon the nearest and best route to Warsaw in Kosciusko county.

SEC. 62. That Anthony Defrees of the county of St. Joseph, be, and he is hereby appointed a commissioner to view, mark and locate a state road, to commence at the St. Joseph river opposite the town of South Bend, from thence on the route of the county road, known by the name

of the "Harris Prairie road," until it intersects the north boundary of section number thirty two, in township number thirty eight north, of range number three east thence on the county road which runs near the southeast end of Harris' Prairie, and thence on or near the same route until it intersects the north boundary of the state of Indiana, in the direction of Adamsville in the state of Michigan.

SEC. 63. That Aaron Miller Senior, and Jesse Frame, of the county of St. Joseph be, and they are hereby appointed commissioners to view, mark and locate a state road commencing at or near the centre of section number twelve, range number one cast, thence running a south-west direction to the centre of section number twenty six, in township thirty eight north, of range number one cast thence a southern course to the old crossing of the Kankakee giver near the mouth of Grape Vine creek, thence on the nearest and best ground to the Yellow river state road.

SEC 64. That William R. Mowbray of the county of Miami, be, and he is hereby appointed a commissioner to view, mark, and locate a state road, from Laketon in Wabash county to the north west corner of section eighteen township twenty nine, range five east, thence to Logansport in Cass county.

Sec. 65. That Elijah Cox of the county of Miami, be and he is hereby appointed a commissioner to view mark, and locate a state road from Peru in Miami county, by way of Daniel's mill on Eel river to some point on the Michigan road in Cass county about ten miles from Logansport.

SEC. 66. That Adam E. Rhodes of the county of Miami, and Joseph Hall of Kosciusko county, be, and they are hereby, appointed commissioners to view, mark, and locate a state road from a point on Eel river where the road from Peru to Warsaw crosses said river, to the north-west corner of section eighteen, township twenty nine, of range five east, thence to Mishawaka in St. Joseph county.

SEC. 67. That Samuel Miller of Randolph county, and Obadiah Winters of Jay county, be and they are hereby appointed commissioners to view, mark, and locate a state road, commencing at a point where the state road leading from Greenville in the state of Ohio, to Marion in Grant county, crosses the state line thence by the nearest and most practicable route to Portland, the county seat of Jay county, thence the nearest and best route to Huntington in Huntington county.

SEC. 68. That Henry Carroll of the county of Henry be and he is hereby appointed a commissioner to view, mark and locate a state road, commencing at Knightstown in said county, thence on the nearest and best route via. Greensborough [and] Newcastle to Bluntsville in said county.

SEC. 69. That James Chitwood of the county of Jefferson, Matthew McClain of the county of Scott and James Persons of Jackson county, be, and they are hereby appointed commissioners to view, mark, and locate a state road commencing at Madison in Jefferson county, thence by the Slateford in Jackson county, and frem thence via. Langdon's mill to Brownstown in Jackson county.

Sec. 70. That Samuel E. Carpenter of the county of Carroll, be, and he is hereby, appointed a commissioner to view, mark, and locate a state road commencing at Americus in Tippecanoe county, thence to Cooprod.

Isley's mill on sugar creek, thence on the most practicable route to the centre of section number twenty two, in township twenty four north, of range number two west, in Carroll county, thence with a county road to Robert Lanmore's, thence on the most practicable, route in a north easterly direction, till it intersects the Munceytown and Delphi state road at the centre of section number ten, in township twenty four north, of range number one west, in Carroll county.

SEC. 71. That Augustus A. Peabody of the county of Wabash and Zachariah W. Pendleton of the county of Miami, be, and they are here. by appointed commissioners to view, mark and locate a state road, beginning at the public square in the town of Peru, thence on the nearest and best ground to a canal road bridge near the range line dividing ranges

number five and six in Wabash county.

SEC. 72. That Elijah Harlan of Kosciusko county, Jeremiah Cory of Elkhart county, and William Denny of Noble county, be, and they are hereby appointed commissioners to mark, lay out, and locate a state road commencing at Warsaw in Kosciusko county, thence by Crosson's mills to Benton in Elkart county, and thence on the nearest and best route to

Lima in Lagrange county.

SEC. 73. That John Shoemaker and Enoch Crouger of Dearborn county, and Thomas Herrington of Franklin county, be, and they are hereby appointed commissioners, to view, mark and locate a state road commencing at the point where the Lawrenceburgh and Indianapolis state road crosses the line between ranges number two and three west, running northwardly on, or as near said line as circumstances will admit, to Brookville in Franklin county.

SEC. 74. That John Longley, George W. Lane, J. W. Eggleston and Stephen Wood, be, and they are hereby appointed commissioners to view, mark and locate a state road as provided for in the "act relative to state roads," in section number three of said act, which was approved the 8th

February 1836.

SEC. 75. That James Parke of the county of Hendricks, be, and he is hereby appointed a commissioner to view, mark and locate a state road commencing at Pittsborough in Hendricks county, from thence to Eagle Village in Boone county, and from thence to Noblesville in Hamilton county.

Sec. 76. That John Manning sent. of the county of Allen, be, and he is hereby appointed a commissioner to view, mark and locate a state road from Elton in Whitley county, thence up Eel river to A. Hull's at the crossing of Eel river, thence to Cedarville near the mouth of Cedar creek, to-wit: on section 28 township 32, north of range 13. East, passing in the neighborhood of Hatches mills on said Cedar coek.

SEC. 77. That S. M. Black of Allen county be, and he is hereby appointed a commissioner to view, mark and locate a state road beginning at the county seat of Adams county, thence crossing the Maumee river at the Maumee Islands, thence to Cedarville, to with on section 28, in township number 32, North of range 13 East, thence to the centre of De Kalb and Steuben counties, in a direction to the Michigan line.

SEC. 78. That the 16th section of the act entitled fan act relating to

state roads, approved February 8th, 1836, be and the same is hereby repealed.

Szc. 79. That William T. Ross of the county of Wabash, be, and he is hereby appointed a commissioner to view, mark and locate a state road commencing at the termination of the Marion and Lagro state road, in Lagro, thence due North as near as practicable to intersect the Warsaw and Lagro state road at the half mile stake on the west side of section 27, in town 23, North, of range 7 East at or near the residence of Augustus Peabody.

SEC. 89. That Ezekiel H. Cox of the county of Wabash, be, and he is hereby appointed a commissioner to view, mark and locate a state road commencing at the present termination of the Lagansport and Squirrel's Village state road, at Squirrel's Village in Wabash county, thence running on the nearest and best ground to Laketon, and Manchester in said county, thence on the nearest and best ground to the centre of Noble county.

SEC. 81. That Jacob Eggleston, John Buffington and George W. Lane of Dearborn county, be, and they are hereby appointed commissioners to view, mark and locate a state road from Dillsborough to Aurora in said county of Dearborn, via James Lindsay's on South Hogan

creek.

SEC. 82. That the county road leading from Isaac Piersons' in the county of Sullivan, to where it intersects the state road from Smith's ferry to

Carlisle, be, and the same is hereby declared a state road.

SEC: 83. That John Reynolds of Adams county, be, and he is hereby appointed a commissioner to extend the Manheim and Willshire state road so as to intersect the Richmond and Fort Wayne state road; and it is hereby made the duty of said commissioners to view, mark and locate

so much of said road as contemplated by this act.

SEC. 84. That James Chitwood of Jesserson county and Matthew Mc'. Clain of Scott county, be, and they are hereby appointed commissioners to view, mark and locate a state road from Brownstown in Jackson county via, Slateford in Scott county, thence through Washington Wiley's lane, thence to intersect the Paris road at John Dungan's thence to Madison.

SEC. 85. That John Kromer of Lagrange county, Henry Hosteller of Noble county, and William J. Johnston of Huntington county, be, and they are hereby appointed commissioners to view, mark and locate a state road from Lima in Lagrange county, by the centre of Lagrange county, Sparta in Noble county, and the centre of Whitley county, to Huntington in Huntington county.

SEC. 83. That the county road leading from Owensville in Gibson county by way of William Mangran's in said county to Evansville, be,

and the same is hereby declared a state road.

Snc. 87. That Benjamin Blossom of the county of Adams, and Robert Wilson of the county of Huntington, be, and they are hereby appointed commissioners to view mark and locate a state road commencing at Decutur the county seat of Adams county, from thence to Huntington the Mos You Dough

county seat of Huntington county; provided, that the town of Murray in Wells county, be made a point in said road.

SEC. 88. That Frederick Leslie, George Kintner and John Kipperton of the county of Harrison, be, and they are hereby appointed commissioners to view, mark and locate a state road commencing at Corydon in Harrison county, and from thence, the nearest and best route to New

Amsterdam in said county.

Sec. 89. That Thomas Turman and Andrew S. While of the county of Sullivan, be, and they are hereby appointed commissioners, to view, mark and locate a state road commencing at Merom in said county from thence on the nearest and best route, via, Turman's mill on Turman creek to Bastivick's ferry, on the Wabash river.

SEC. 90. That of Rush county, be, and he is hereby appointed a commissioner to view, mark and locate a state road, from Rushville in Rush county, via, Knightstown and Greensborough to New

Castle in Henry county.

SEC. 91. That Thomas B. Springer of the county of Sullivan, be appointed a commissioner to locate a state road from A. Thompson's ferry on the Wabash river, to Lebanon in the county of Sullivan, by the nearestand best route, having in view public accommodation, and a due regard to the private rights of individuals, so as to intersect the state road leading from Merom to Bloomfield.

SEC. 92. That said commissioners shall meet at such time, and place, as they may agree upon, and proceed to the discharge of the duties contemplated by this act, and shall be governed in all things not herein provided for, by an act entitled an act defining the duties of commissioners, appointed to locate roads, and for other purposes, approved February 1st, 1834.

SEC. 93. That Aaron Gulliver be appointed commissioner, to superintend the erection and letting, by public cut-cry, of a bridge over Big Eagle creek, at the crossing thereof of the Lafayette road, the plan to be a common bent bridge, and to be exhibited by said commissioner at least ten days before the day of sale. The sum of two hundred dollars, out of any moneys which may hereafter be received by the county of Marion, of the three per cent. fund, is hereby appropriated, and the agent of the three per cent. fund shall pay the same over to said commissioner, upon said commissioner filing bond and security in the penal sum of eight hundred dollars, to be deposited in the clerk's office of Marion county: Provided, however, That the citizens interested in said bridge, shall first subscribe a sum sufficient to complete said bridge, in addition to the two hundred dollars hereby appropriated, and secure the payment of their subscriptions to the satisfaction of said commissioner: And, provided further, That not less than two hundred dollars shall be so subscribed, and any excess shall be laid out by said commissioner in the improvement of said Lafayette road; said commissioner shall retain in his hands for his services. one dollar per day for each full day he may be employed as such. He shall make a full and detailed report to the board doing county business in Marion county, at their November term next; any vacancy shall be filled by the board doing county business.

SEC. 94. That the sum of two hundred dellars of the three per cent.

fund which may hereafter be received for the use of Marion county, be expended under the superintendance of Harris Tyner, on that part of the Newcastle State road, lying in Marion county; Provided, That the citizens interested in said road will subscribe and secure to be paid to said commissioner to his satisfaction, for the like improvement, the sum of one hundred dollars, to be paid in cash or labor, as the commissioner may determine; and the agent of the three per cent. fund shall pay said two hundred dollars to said commissioner upon his filing a bond with good security, to the acceptance of the clerk of Marion county, in the penal sum of eight hundred dollars. That said commissioner shall retain in his hands one dollar for each full day he may be necessarily employed as such; a report of his proceedings shall be filed with the board doing county business, subject to their approval or disapproval, at their next November term.

SEC. 95. That John Egbert of the county of St. Joseph be, and he is hereby appointed a commissioner, to view, mark and locate a State road commencing at or near the Big Kankakee bridge, at the crossing of the road leading from Plymouth to Michigan city, thence to the town of Independence, thence on a straight line to New Carlisle, on the Michigan road.

SEC. 96. That Wesley Parke of Dekalb county, James Knowles and P. C. Miller of Noble county be, and they are hereby appointed commissioners, to view, mark and locate a State road from Plymouth, in Marshall county, [on] the nearest and best ground, to Wolf Lake, in Noble county; thence as near as is practicable, to the center of Dekalb county, thence the nearest and best route to the east line of the State, to intersect the Defiance State road.

SEC. 97. That the act entitled, "An act to locate a State road from the mouth of Eel river in Green county, to Bowlinggreen in Clay county, approved February I, 1836," be, and the same is hereby amended, by making George Housiers, in Owen county, a point of said road: and it is hereby made a duty of the commissioner, named in said act to which this is an amendment, as soon as practicable, to proceed to re-locate so much of said road as lies in Green and Owen counties, by way of said George Housiers.

SEC. 98. That Samuel M. Clark and Thomas V. Tucker, of the county of Crawford, James Pitman and Clement McDaniel of the county of Orange, and J. S. Wood of the county of Martin be, and they are hereby appointed commissioners, to view, mark and locate a State road from Fredonia to Mount Pleasant, in Martin county, via Mount Prospect and the French Lick. Said commissione's shall meet in the town of Fredonia, on the first Monday in March next, or on some subsequent day which may be agreed upon by a majority of said commissioners, and be governed in all respects by the laws in such case made and provided.

Sec. 99. That James Masters and James E. Lovell, of the county of Warrick, be, and they are hereby appointed commissioners, to view, mark and locate a state road in said county, commencing at Boonville, and from thence a southern direction on the best ground to the Ohio river, or to

the intersection of any state road in said county, taking into view public

utility and convenience.

Sec. 100. That Daniel Lambden of the county of Crawford, Kinsey Veach and Stephen Hardin of the county of Orange, be, and they are hereby appointed commissioners to view, mark and locate a state road commencing at Thomas Tucker's, on the New Albany and Jasper state road, thence by Valona in Orange county; thence to intersect the New Albany and Vincennes M'Adamized turnpike road, at or near Aaron Harain's in Orange county.

SEC. 101. That Adrien Wincoop of the county of Miami, be, and he is hereby appointed a commissioner to view, mark and relocate that part of the state road leading from Logansport to Squirrel village, which lies

east of Mexico.

Sno. 102. That John Goodnight and Abraham Baker, of Monroe county, be, and they are hereby appointed commissioners to view, mark and locate a state road, commencing at a point near Thomas Nesbitt's, on the Smith's ferry road, in the direction of David Condei's, to a point where they shall intersect the Rockport road, having due regard to the right of private property, and the sum of seventy-five dollars out of the three per cent. fund coming to the county of Monroe, be, and the same is hereby appropriated to the improvement of said road, under the direction of the commissioners in this section named; and that the board doing county business give said commissioners an order on the commissioner of Monroe county for said fund. The commissioners shall be governed in all other particular- as the commissioners are required to be, in expending the other appropriations of said fund, in said county.

Sec. 103. That Samuel Seemore of Madison county and Archibald Parker of Delaware county, be, and they are hereby appointed commissioners to view, mark and locate a state road from the town of Chesterfield in Madison county, thence running until it intersects the Logansport state road, at or near the house of Robert Sanders in Delaware county.

SEC. 104. That William Wright of the county of Madison, be, and he is hereby appointed a commissioner to view, mark and locate a state road from Huntsville to Chesterfield in said county, on the nearest and best

ground.

SEC. 105. That Lot A. Bayless, be, and he is hereby appointed a commissioner to view, mark and locate a state road commencing at White Raccoon's village in the county of Allen, running thence to where the road leading from Huntington to Goshen crosses Eel river, intersecting said Huntington road.

Sec. 106. That the county road leading from Fairplay in Green county, to Black creek bridge in said county, be, and the same is hereby de-

clared to be a state road.

Scc. 107. That Benjamin W. Hawkins, be, and he is hereby appointed a commissioner to mark, survey and locate a state road, commencing at a point where the state road leading from Greenville Ohio, to Marion in Grant county, Indiana, crosses the state line, thence on the nearest and best route to Portland, the county scal of Jay county, thence on the near est and best route to Huntington in Huntington county.

SEC. 108. That Charles Nugent of the county of Parke, and Andrew Denton of the county of Putnam, be, and the same are hereby appointed commissioners to view, mark, and locate a state road from Stram's mills in the county of Parke, to Russelville in Putnam county.

Sec. 109. That George Bowman be, and he is hereby appointed a commissioner, to view, mark, and locate a state road, commencing at Clarkstown, Boone county, to intersect the Indianapolis and Peru state

road, at or near Elihu Pickett's in Hamilton county.

SEC. 110. That Lot N. Baylas of Allen county, be, and he is hereby appointed a commissioner to view, mark, and locate a state road, from the court house square, in the town of Fort Wayne, in Allen county, thence running northwestwardly to Elton, near the centre of county, thence to Rochester, the county seat of Fulton county, thence to the Kapkakee river, at or near where it crosses the western boundary of the

SEC. 111. That Matthew Boyd, of the county of Elkhart, be, and he is hereby appointed a commissioner to view, mark, and locate a state road, commencing at Warsaw, the county sent of Koscius. ko county, [thence] to Benton in Elkhart county. Said commissioner may employ all the hands necessary, and the board doing county business in said counties, shall pay the expense of the same, in proportion

to the length of road in each county.

SEC. 112. That Havelah Beardsley of the county of Elkhart, be, and he is hereby appointed [a commissioner] to view, mark, and locate a state road, commencing in Elkhart, in Elkhart county [thence] to the crossing of the Tippecanoe river in the direction of Logansport. Said commis. sioners may [emyloy] all necessary hands, and the board doing county business in the several counties through which said road may pass, shall pay the expense of the same, in proportion to the length of road in each county.

SEC. 113. That Henry H. Fowler, and George Nicholson, of the county of Elkhart, James Salter, of the county of Lagrange, and Moses Buckles, of the county of Noble, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Bristol, in Elkhart county, via the Hawpatch, in Lagrange county, to the seat of justice in Noble

county.

Sec. 114. [Said] commissioners, or a majority of them, shall meet at Bristol, in Elkhart county, and proceed to view, mark, and locate said road, and in thirty days, or so soon thereafter as it is convenient, they shall file a report in the clerk's offices in the different counties through which said road may run, of so much of said road as may be in said county, that the same may be recorded as the reports of the locators of other state roads.

SEC. 115. The commissioners may appoint a surveyor, chain carriers, and other hands necessary to perform the necessary service required by this act, and the boards doing county business in the several counties, shall Pay the expense of said road according to the distance in each coun-

SEC. 116. And it shall be the duty of the board to open and keep said road in repair.

Sec. 117. And it is hereby provided that the Vestula road may be opened to any width not exceeding one hundred feet, at the discretion, and by the order of the boards doing county business in the several counties

through which said road passes.

SEC. 118. The county road from Delphivia Deer creek prairie to Lafayette, and the county road from Delphi via Nathaniel Hamilton's to Mon. ticello; so far as said roads are in the county or Carroll, be, and the same are hereby declared state roads, and shall be entitled to a proper proposition of the [three] per cent. fund, as other state roads in said county, and shall be kept open, and repaired as such, and entitled to all other advantages of state roads.

SEC. 119. The county commissioners of the county of Carroll, are hereby authorized and directed to apply one half of the three per cent. fund due, or that may be appropriated to said county by the present General Assembly, to the improvement of the state road from Delphi to Frankfort, so far as said road is within said county of Carroll, the same to be expended under the diaection of a commissioner appointed by the said

board for that purpose.

Sec. 120. And be it further enacted, That Isaac Pugh, of Marion county, be, and he is hereby appointed a commissioner to view, mark and continue the location of a certain [road] which runs from the Cumberland road to the Lafayette road, commencing at or near the farm of Nathaniel Bell's. from thence on the section line south to the Crawfordsville state road.

SEC. 121. And it shall be the duty of said commissioner after taking an oath, to take such assistance as is necessary, and when he has completed said location which shall be done in due time, he shall make a report of the same to the clerk's office of Marion county, to be filed in said office, and from then said road shall be considered a state road, and regarded as such, and said commissioner shall lay his account before the board of commissioners, and said board shall allow him such compensation as in their opinion will be just and equitable, to be paid out of the three per cent fund allotted to said county.

SEC. 122. That Marcen D. West of Johnson county, be appointed a commissioner to view, mark, and locate a state road from Morgan's ford on White river, to Huff's mill on Sugar creek, thence to the Michigan road

at or near Brandywine town.

SEC. 123. That the town of Jacksonburgh, the present seat of justice of Brown county, be, and the same is hereby changed to that of Nashville and shall forever hereafter be known by said name: Provided however, that the change of the name of said town shall not impair the rights of any individuals, or the public in any property, contract, or in the location of any state or county road in any manner whatever.

This act to take effect and be in force from and after its passage,

CHAPTER XCII,

An Act to appropriate the three per cent. fund in certain counties therein named

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the part of said fund appropriated to the counties of Lawrence and Scott, and not heretofore disposed of by law, be appropriated to the state roads in said counties, each road being entitled to a like amount per mile, to be laid out and expended on the same, under the superintendence of a commissioner to be appointed by the boards doing county

business in said counties, on each of said roads,

SEC. 2. That of the sum of two thousand dollars appropriated by an act of the present General Assembly, to the county of Jennings, that James Johnson, esq. expend one hundred and seventy five dollars thereof on the Madison and Indianapolis state road, between Six Mile creek and the Bartholomew county line. That Harvey Robb expend the sum of one hundred and seventy five dollars on said road, between Vernon and Six Mile creek. That Christopher M'Mindes expend one hundred and seventy five dollars on said road, between Graham creek and Vernon .-That John T. Torbet expend one hundred and seventy five dollars on said road, between the Jefferson county line and said Graham creek. That Boyd W. Hudson expend two hundred and seventy five dollars on the state road leading from Madison, through Paris, to Stanfield's mills. That Thomas Cobb expend one hundred dollars on the Vernon and Coffee creek state road. That Robert Elliott expend one hundred and twenty five dollars on the Vernon and Greensburgh road that passes through Zenas, and that David Elliott expend one hundred and twentyfive dollars on the state road from Versailles to Rockford, that passes through Zenas, between the Ripley county line and the old town of Geneva. That Peter Klapp expend seventy five dollars on the Vernon and Newburn state road, between Sand creek and the Bartholomew county line, That Edward Devire expend fifty dollars on the Greensburgh and Hartsville state road, between said Devire's and Sand creek. That Adam Kelaer expend seventy five dollars on the Hartsville and Greensburgh state road, North of Kellar's mills, in equal proportions. That David Campbell expend seventy-five dollars on the Vernon and Versailles state road. That William M. Johnson expend seventy five dollars on the Vernon and Marion state road. That John L. Hicklin expend fifty dollars on the Vernon and Marion state road, east of Pleas ant Carney's. That Isom Green expend fifty dollars on the Vernon and Paris state road, in Vernon township. That Zachariah M'Gannon expend seventy five dollars on the Vernon and Paris state road in Montgomery township. That Nicholas Arnich expend fifty dollars on the read passing his house, between the Jackson county line and the old town of Geneva. That Jesse Whitcomb expend one hundred dollars on the Vernon and Brownstown state road. The old county road from Vernon to Paris is hereby declared to be a state road,

Sec. 3. That Richard Stott of the county of Jennings, be, and he is hereby appointed commissioner to receive of the treasurer of state, as agent of the three per cent. fund, the sum of two thousand dollars, appropriated as aforesaid to said county of Jennings, and so soon, and so often, as received, to pay over the ratable proportion of the sum received, to each of the aforesaid commissioners, taking their receipts for the sums so paid, on the production of which receipt in open court, the county commissioners shall give said Stott credit on their record book, and also charge the proper commissioner with the amount so receipted for. The commissioners above named in Jennings county shall each expend the money hereby confided to their care, in ditching the sides of their respective roads in the flat lands, and in casting up the road in the middle, so as to make the water run from the high and wet lands, to the several drains near to and crossing such road, and in the construction of culverts for the water to pass under the road. That of the sum of two thousand dollars appropriated by the act of February 8th, 1836, to the county of Jennings, there is hereby appropriated out of the same, a sum equal to the appropriati on already made by this act, to each of the aforesaid roads, and to be expended on said roads by the commissioners above named, in the improvement of their respective roads in the manner above directed.

sec. 4. That William Shields of Jackson county, be, and he is hereby appointed a commissioner, to expend the sum of one hundred dollars on that part of the Madison and Brownstown state road, laid out by Moor and Hill, that lies between Stanfield's mill, and the Jennings county line, also fifty dollars on that part of the Bethlehem road, that lies between Rockford and Stanfield's mills. That Joshua Moor be, and he is hereby appointed a commissioner to expend one hundred dollars on that part of the Madison and Brownstown state road that lies between Stanfield's mills and Brownstown. The one half of the above appropriations shall be paid out of an appropriation of the three per cent. fund made to Jackson county, by an act approved 8th February, 1836. The remainder out of the appropriation made to Jackson county, by the act of the present session.

SEC. 5. That Anderson Franklin, be, and he is hereby appointed a commissioner to expend fifty dellars on the state road between Sage's ferry and Rockford, to be paid out of the three per cent, fund appropriated to Jackson county, by an act of the present General Assembly.

SEC. 6. That Stephen Sparks be appointed a commissioner, to expend fifty dollars on that part of the state road lying in Jackson county, leading from Salem by Leesville to Bloomington. That George Smallwood be appointed a commissioner to expend one hundred dollars on that part of the state road lying in Jackson county, leading from Bloomington by Brownstown to Madison, to be drawn from the appropriation made to.

SEC. 7. That five hundred dollars of the two thousand dollars appropriated to the county of Switzerland, by an act of the present General Assembly, shall be applied towards the erection of a bridge over Grant's creek in said county, at such place and under the superintendence of such person or persons as the county commissioners of said county, may appoint: Provided, That individuals subscribe sufficient to finish such

ben to Paris is herchydrediand & be a full for

bridge. And the county commissioners shall require of the agent or agents sufficient security for the faithful performance of the trust.

Sec. 8. That the sum of two thousand dollars of the three per cent. fund appropriated to the county of Brown, by the act entitled "an act to appropriate to the several counties in this state a part of the three per cent. fund," approved February 8th, 1836, and also so much of the three per cent, fund as shall be appropriated to said county of Brown, during the present session of the General Assembly, be, and the same is hereby appropriated in the manner following, to wit: For the improvement of so much of the Bloomington and Columbus state road as lies in the county of Brown, six hundred dollars; and that William Followell and Pierson Brummell of said county be the commissioners to expend said money to the improvement of the same. That two hundred dollars of said fund be appropriated to the improvement of so much of the Bloomington and Morgantown state road as lies in said county, and that Thomas Weddle and John Richards be the commissioners to lay out said money for said purpo. ses. That two hundred dollars be appropriated to the improvement of the state road authorized to be laid out from a point on the Bloomington and Morgantown state road, near John Young's horse mill, via Georgetown, in Brown county, to Joab Woodruff's in Johnson county, and that George Grove and Mr. Davidson (the former county commissioner for Brown county), be, and they are hereby appointed commissioners to lay out and expend said money to the opening and improvement of said road. That two hundred dollars be appropriated to the improvement of the Madison and Bloomington state road, or so much thereof as is in Brown county, and that Jacob Hutsenpillar and young Mr. Robison, living near said road, be the commissioners to lay out said money to the improvement of the same. That three hundred dollars be appropriated to the improvement of the state road authorised by an act of the present General Assembly, to be laid out from Jacksonburgh in Brown county, to Morgantown in Morgan county, and William Jackson and Banner Brummett, senior, be the commissioners to expend said money to the improvement of said road. That two hundred and fifty dollars, of said fund, be, and it is hereby appropriated to the improvement of so much of a road, authorised to be laid out from the 23d mile post, on the Indianapolis and Madison state road, via Asalia in Bartholomew county, to Jacksonburgh is Brown county; and that James Dawson and John Followell be the commissioners to lay out and expend said money to the improvement of said road.

Sec. 9. Said commissioners shall each take an oath faithfully and impartially to discharge their duties as such commissioners, and shall enter into a bond in double the amount of the money by them to be expended on the respective objects to which appropriations are in this act made: Provided however, That where they enter into bond jointly as commissioners, it shall be done in double the amount, and if separately done, then the penal sum, shall be the amount appropriated to the particular road upon which said commissioner is appointed: Provided further, That the board doing county business, may divide said roads in length as near as may be, into two divisions, and say what amount of the appropriation shall be

expended on each division. Said commissioners to receive, each one dollar per day and necessary expenses; and said commissioners may retain the same out of the funds in their hands respectively, except the expenses which shall be submitted to the board doing county business, who shall say what is right and reasonable, and make the allowance therefor out of the money in the hands of said commissioners; and said commissioners shall make settlement of their accounts at least once in every year. The board doing county business in said county shall order their clerk to give a draft to the commissioners appointed on any one road, an order, jointly, on the commissioner holding the three per cent. fund, for said amounts respectively appropriated to said roads.

Sec. 10. The board doing county business in said county, shall have power to fund any money coming to said county, which is not hereby appropriated, in any manner they may deem most proper for the interest of the county, and loan the same at any rate of interest not exceeding ten per cent, per annum, and appropriate the interest arising thereon to the erection of their public buildings. Said board shall have full power to prescribe the mode and terms of loaning, and the mode of collection; or they may, if they deem it most expedient, appropriate the interest accruing, to the erection of bridges, or the opening and repairing of roads: Provided however, That said board may, if they deem it most expedient, apply the whole of the said funds to improvements of a proper nature in said county.

SEC. 11. That Robert Henderson be, and he is hereby appointed agent to receive the three per cent. fund appropriated for the present year to said county, and he shall be governed in all particulars by the provisions of an act, entitled "an act to appropriate to the several counties in this State, a part of the three per cent. fund, approved February 8, 1836.

SEC. 12. Be it further enacted, by the General Assembly of the State of Indiana, That the board doing county business in and for the county of Orange, shall at their May session, or some subsequent session thereafter, appoint some suitable person to draw and receive from the treasurer of State all that portion of the three per cent. fund appropriated to the county of Orange.

SEC. 13. Said commissioner before entering upon the discharge of the duties assigned him by this act, shall give bond and security to the satisfaction of said board, in double the amount of moneys to be by him drawn, conditioned for the faithful discharge of the duties as such commissioner, and take an oath or affirmation, before some person authorized to administer the same to that effect.

SEC. 14. The commissioner shall pay over to the persons herein appointed as commissioners, to expend the same to the improvement of State roads in Orange county, as herein provided; that is, to John Brown of the county of Orange, four hundred dollars, to be by him expended to the improvement of the navigation of so much of Lost river as lies between Jacob Shirley's mill and the Orange county line, between Orange and Martin counties. To Jesse Reed of Orange county, the sum of three hundred dollars, to be by him expended to the improvement of so much

of the State road as lies in said county between Livona, through Orleans and to George Frienche's. To James Smith, commissioner on the State road between Paoli and Livona, two hundred dollars of [the] three per cent. fund, to be by him expended to the improvement of so much of said road as lies in said county of Orange. To John Pinnick, commissioner on the State road between Paoli, by the way of the French Lick to Jasper, the sum of two hundred dollars, to be by him expended to the improvement of the same, as lies in Orange county. To John Hallowell, Jr. the sum of two hundred dollars, to be by him expended to the improvement of State road No. 8, as lies in Orange county. To Clement McDonald, two hundred dollars, to be by him expended to the improvement of so much of the Rome and Paoli State road as lies in Orange county. To Thomas Adkison, appointed commissioner, one hundred dollars, to be by him expended to the improvement of so much of a State road as lies between Jonathan W. Chamber's and James McCrackin's. on the Paoli and French Lick road. To John Gammon, commissioner on the State road as lies within Orange county, between Hammer's mill and Livona, the sum of one hundred dollars, to be by him expended to the improvement of said road as lies in Orange county.

SEC. 15. That Abner Wilson of the county of Orange be, and he is hereby appointed commissioner on so much of the State road in Orange county, as lies between Claysville, in Washington county, and Isaac Edward's in Orange county, and he is hereby authorized to draw from the commissioner so to be appointed by the board doing county business, in said county of Orange, the sum of one hundred dollars; and also to draw from William Kirthcart, the present commissioner in said county, the uncxpended balance remaining in his hands unappropriated by any previous act of the General Assembly of this State, after the board doing county business in said county shall have made Kirthcart an allowance for his services as such commissioner, and expend the same to the im-

provement of said road, as aforesaid.

SEC. 16. All the said commissioners appointed under the provisions of this act, to expen I said three per cent. fund, shall, previous to drawing money by this act appropriated, give bond and security to the State of Indiana, in double the amount to be drawn by each, to the acceptance of the board doing county business in said county of Orange, and take an oath or affirmation, for the faithful application of the same, according to the provisions of this act. And it-shall further be the duty of said commissioners, appointed by this act, to settle with the board doing county business, and render to said board a true account of the said expenditures; and it shall be the duty of said board to allow said commissioners, one dollar and twenty-five cents per day employed as such commissioners.

SEC. 17. The commissioners appointed by the first section of this act to draw from the State Treasurer the three per cent. fund, due said county, shall be allowed by the board doing county business in said county of Orange, a reasonable compensation for his services, to be paid out of the three per cent fund belonging to said county, by the several commissioners appointed by this act to expend the same in proportion to the amount by them respectively drawn.

Sec. 18. Be it further enacted by the General Assembly of the State of Indiana, That the sum of two thousand dollars of the three per cent. fund, which was appropriated to the county of Monroe, by virtue of an act entitled "An act to appropriate to the several counties of this state a part of the three per cent. fund," approved February 8th, 1835, and also so much of the three per cent, fund as may be appropriated to said county for the present year, be, and the same is hereby appropriated in the manner following, to wit: For the improvement of the Bloomington and Spencer state road, running by Brainey's farm, the sum of two hundred and fifty dollars; to the Bloomington and Morgantown state road, one hundred and fifty dollars; to so much of the state road leading from Bloomington to Greencastle, by way of Brenton's old ferry, as lies in Monroe county, and commonly called the Ellettsville and Jack's defeat road, two bundred and lifty dollars; to the re-building of the bridge over Bean Blossom at Mt. Tabor, on the Bloomington and Greencastle state road, five hundred dollars; to the repairing of the bridge over Bean Blossom creek where the Bloomington and Martinsville state road crosses the same, the sum of seventy-five dollars; to the erection of a bridge over Big Salt creek at Fairfax, formerly called Whissemand's ferry where the Bloomington and Salem state road crosses the same, the sum of five hundred dollars, in addition to the three hundred dollars heretofore appropriated by two other acts of the Legislature; to the Madison and Bloomington state road, seventy-five dollars; to the Rockport state road, two hundred dollars; to the state road which is authorized by an act entitled an act to locate a state road from Bloomington to Bloomfield, passed at the present session of the General Assembly, two hundred dollars; to the Smith's ferry state road, one hundred dollars; to Spencer and Wood's ferry state road, one hundred dellars; to so much of Bean Blossom's creek as lies between the crossing of the Bloomington and Martinsville state road, over said creek at the bridge and Millican's mill on said creek, one hundred dollars; to the Indianapolis and Leavenworth state road, eight hundred dollars, in addition to the seventy-five dollars above named in the act for the building of the bridge aforesaid: Provided however, That if a re-location of so much of said road as lies within Monroe county, shall be made previous to the first day of July next, then said sum of eight hundred dollars is to be expended for the improvement of said road as re-located, otherwise said sum of eight hundred dollars is to be expended for the improvement of said road as it is now located and established; to the state road leading from Bloomington to Columbus, as it may be hereafter located by the present seat of justice of Brown county: Provided, A re-location shall be [made, otherwise to be appropriated on the same as it is now located and established, one hundred and twenty-five dollars; said sums to be expended for the improvement of the roads aforesaid, and the construction and repairing of the bridges aforesaid, as they are respectively appropriated within the limits of Monroe county.

SEC. 19. That for the purpose of expending the moneys appropriated as aforesaid, the following commissioners be and they are hereby appointed to lay out said moneys on the respective objects to which they are uppropriated, to-wit: Frederick T. Butler, commissioner to expend the appro-

priation on the Bloomington and Spencer state road: David Barrow and High McClung, commissioners on the Bloomington and Morgantown state road; James Park, commissioner on so much of the Bloomington and Greencastle state road running by Brinton's old ferry, as lies within Monroe county and which is commonly called the Ellettsville or Jack's defeat road; And ew Wampler and John McPhitridge commissioners to superintend the rebuilding of the bridge over Bean Blosso n creek at M'. Tabor on the Bloomington and Greencastle road; John W. Payne, commissioner to repair the bridge over Bean Blossom on the Bloomington and Martinsville state road, Jesse Daver, commissioner in conjunction with Nich. olas Whissenand, heretofore appointed to lay out and expend the appropriation of three hundred dollars heretofore made for the same purpose, said commissioners to act in conjunction and have equal powers in expending said moneys for said purpose; Henry Galbert commissioner on the Madison . and Bloomington state road; Elijah Morgan commissioner on the Rockport state road; John Eller and Coonrood Kerm, commissioners on the state road to be located from Bloomington to Bloomfield, said John Eller to expend one hundred dollars of the aforesaid appropriation in the first six miles of said road, commencing at Bloomington, and Coonroad Kerm the remaining one hundred on the balance of said road; William Nesbit commissioner on the Smith's ferry state road; Thomas Carter, commissioner on the Spencer and Wood's ferry state road; James Rawlings commissioner on so much of Bean Blossom creek as is named in this act; Jonathan Nichols and Henry Berkey, commissioners on the Indianapolis and Leavenworth state road; and Jacob Moser, commissioner on the Bloomington and Columbus state road.

The commissioners aforesaid, shall, before entering upon the discharge of the duties by this act assigned them, give bond and good free-hold security to the acceptance of the board doing county business, in double the amount of money by them respectively to be expended, and they shall severally take oath faithfully and impartially to discharge the duties required of them. Said commissioners shall each receive one dollar and twenty-five cents per day for each day's service, either of them may be necessarily engaged in the discharge of his duties, to be by him retained out of the funds in his hands. Said commissioners shall severally make settlement of his account with the board doing county business at least once every year.

Sec. 29. The clerk of the board doing county business shall give to said commissioners severally, an order for the amount of money due him or them, which said order shall be a sufficient voucher to the commissioner appointed to draw said three per cent. fund, to pay over to him or them the amount appropriated by this act to the particular work such commissioner or commissioners is or are appointed to superintend.

SEC. 21. That Aquilla Rogers is hereby appointed to draw the three-per cent. fund which may be appropriated to Monroe county for the present year, from the Treasurer of State, and that he be governed by the provisions of an act entitled, an act to appropriate to the several counties in this state a part of the three per cent. fund, (approved February 8th, 1836.)

SEC. 22. That the several amounts appropriated by this act to the several objects of improvement aforesaid, shall be paid by the commissioners now having charge of the three per cent. fund, equally in proportion to the amounts appropriated on each particular object, and that a failure to pay over any money legally coming to any of the commissioners aforesaid, when demanded, shall be good cause of removal. And the commissioner who is by this act appointed to draw the three per cent, fund hereafter to be appropriated shall be governed in making payments in the same manner that the present commissioner is required to be governed.

SEC. 23. That the sum offive hudred dollars out of that part of the three per cent. fund which has been appropriated to the county of Porter, be, and the same is hereby appropriated to the opening of the state road from Laporte via. Valparaiso, to the Illinois state line, in the direction of Juliett, and to the building bridges and crossway on said road. The money aforesaid hereby appropriated is to be expended on said road within the county of Porter, under the superintendence of John Saylor,

of said county of Porter.

SEC. 21. That the sum of five hundred dollars is also hereby appropriated out of the three per cent. fund to which the county of Lake [may] be entitled, by virtue of any act of this General Assembly, the same to be expended in said county of Lake upon said road named in the foregoing section of this act. And to opening of said road and to the crosswaying and building bridges thereon, and the money hereby appropriated in this section will be expended under the superintendence of the commissioner of the three per cent. fund who may be appointed by the board of county commissioners for said county, and it is hereby made the duty of said board of county commissioners to make such appointment at their first session after the filing of this act in the clerks office of said county: Provided, such appointment shall not have been previously made.

SEC. 25. That all appropriations of the three per cent. fund heretofore or hereafter made to the counties of Clay, Crawford and Owen, be,
and they are hereby authorized to be funded at interest payable in advance, under [the] direction and superintendence of the several boards

doing county business.

SEC. 26. That for all moneys loaned under the provisions of this act, the several commissioners shall take bond in the name of the state of Indiana, which may be collected by action of debt in the name of said state, in any court having jurisdiction of the amount in the manner that other bonds may be collected; and the interest arising from such loans shall be re-loaned or appropriated on roads as the said county boards may think proper.

SEC. 27. The sum of four hundred dollars of the money by this act appropriated to the county of Tippecanoe, shall be applied for the purpose of building a bridge across the Wea creek in said county near the mill of Joseph Hawkins, or some more suitable point: Provided, in one year from the publication of this act there shall be subscribed by responsible individuals a sum sufficient to complete said bridge in a substantial man-

SEC. 23. That James P. Ellis is hereby authorized to receive from the

commissioner appointed by the board of commissioners for Tippecanoe county to receive the three [per] cent. fund, allotted said county, the said sum of four hundred dollars, which amount, after entering into bond with sufficient security to be approved by the board, the said James P. Ellis is hereby authorized to lay out and expend [the same] for the purposes mentioned in the foregoing section.

Sec. 29. That one hundred and fifty dollars of said three per cent. fund belonging to said county shall be applied under the direction of the board of commissioners for the purpose of improving the bridge across the Wea creek in said county, on the road from Lafayette to Crawfordsville, near Dr. Layman's: Provided, that fifty dollars in addition thereto be se-

cured by voluntary subscriptions.

SEC. 30. That the sum of one hundred and fifty dollars, of the three per cent fund belonging to the county of Montgomery, shall be applied to the improvement of the road leading from Crawfordsville to Lafayette, at or near or upon a bridge over Black creek in said county of Montgomery under the control of the board of county commissioners in said county: Provided fifty dollars be secured for the same purpose by voluntary subscriptions; and also the sum of one hundred dollars be applied to the improvement of the road from Crawfordsville to Williamsport, from where said road crosses Sugar creek to the county line under the direc-

tion of the county board.

SEC. 31. That the sum of twenty dollars in addition to the appropriation of the three per cent. fund appropriated by an act of the General Assembly of this state, be and the same is, appropriated to construct a bridge over Little Sugar creek in Hancock, [county] where the state road leading from Indianapolis to Rushville crosses the same, and the like sum is hereby appropriated in addition to the appropriation heretofore made for the construction of a bridge over Sugar creek, at the crossing of the Greenfield and Pendleton state road in Hancock county, which money shall be paid over by the agent of the three per cent. fund, out of the amount due to the county of Hancock, and that James H. Anderson is hereby appointed an agent to draw the aforesaid sum; twenty dollars of which he shall pay over to Robert Walker or his successor, and the same shall be by him expended, in addition to the appropriation heretofore made for that purpose, in crossing of the state road from Greenfield to Pendleton, and the said James H. Anderson shall expend the remaining twenty dollars in addition to the appropriation made at the present session of the General Assembly, for the construction of a bridge over Little Sugar creek on the state road from Indianapolis to Rushville.

Sec. 32. That all acts or parts of acts whatever, coming within the

purview of this act, be, and the same are hereby repealed.

Vincos interest for the book of the first with the

Mark well like of the transfer of the late of the Steller

This act shall take effect and be in force from and after its passage.

CHAPTER XCIII.

An act to locate a State road from Springfield, in Lawrence County, to Emanuel Hatfield's, in Green County.

(APPROVED FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Batey of Lawrence county, be appointed a commissioner, to view, make, locate and establish a State road from Springville, in Lawrence county, by way of Sloan's mills, to Emanuel Hatfield's, in Green county.

SEC. 2. Said commissioner to be governed in all respects, by the general law on the subject of State roads, in the discharge of the duties hereby assigned them. His compensation shall be one dollar per day for services, to be allowed him by the counties through which said road passes.

This act shall take effect from and after its passage.

CHAPTER XCIV.

An act to establish a certain State Road therein named in the Counties of Perry, Crawford and Orange.

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Phillip Cresilles, of the county of Crawford, Adam Shoemaker and Zaphenia Miles of Perry county, and John Pinnick and John Atkinson of Orange county, be, and they are hereby appointed commissioners, to view, mark and lacate a State road, beginning at the town of Troy, in Perry county, on the nearest and best route to the town of Paoli, in the county of Orange, hy the way of Adam Shoemaker's.

SEC. 2. Said commissioners shall meet at the town of Paoli, in the county of Orange, on the first Monday in April next, or some subsequent day thereafter, and commence the duties required of them by this act.

SEC. 3. The commissioners aforesaid shall be governed in all respects, by the act defining the duties of commissioners appointed to locate State roads and for other purposes, approved February 1, 1831.

SEC. 4. Should any vacancy happen, by death or otherwise, in said board of commissioners, it shall be the duty of the board doing county business in the counties where such vacancy may occur, to fill the same.

This act to be in force from and after its passage.

CHAPTER XCV.

An act to locate a State Road from the Town of Russellsville, in Putnam County to Blakesburgh, in the County aforesaid.

(APPROVED, JANUARY 27, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Russell M. Tatman, of Putnam county be, and he is hereby appointed a commissioner to mark, and lay out a State road from Russellsville, in Putnam county, to Blakesburgh in said county, and when laid out, the commissioner aforesaid shall deposite in the clerk's office of Putnam county, a report describing the ground on which he has located said road; for which the board doing county business for the county of Putnam shall make him a reasonable allowance.

SEC. 2. The commissioner shall, on the first Monday in May next, or some subsequent day thereafter, which will suit his convenience, take an oath for the faithful performance of his duty as commissioner aforesaid.

Sec. 3. And that the county road leading from Greencastle to New Maysville, by the way of Neff's mill, be, and the same is hereby declared a State road, to be opened forty feet wide, and that so much of an act passed January 27, 1834, as relates to a State road from Greencastle to New Maysville, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER XCVI.

An act to vacate a part of two State Roads in the County of Parke.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all that part of the State road from Terre Haute to Lafayette as lies in Liberty township in the county of Parke and State of Indiana, between the points, as follows:-where the same crosses Sugar creek at or near the point, at or near the south-west corner of section seven, town seventeen, north of range eight west, be, and the same is hereby vacated; and that the county road between said points as surveyed, viewed and marked by Jeremiah H. Liber and Cornelius Outland- for a change of said State road as they reported to the November session of the county court of Parke county, which is the present county road between said points be, and the same hereby is declared a State road.

SEC. 2. That so much of the State road from Greencastle to Clinton, as lies between Lemuel Branson's and Searing's distillery, in the county of Parke be, and the same is hereby vacated.

Sec. 3. And that the county road from Strain's mills, by way of James Strange's, in the county of Parke to Terre Haute, in the county of Vigo be, and the same is hereby declared a State road.

CHAPTER XCVII.

An act to authorize the location of a State Road from Rochester, in Fulton county, to Monticello in White County.

(APPROVED, FEBRUARY 6, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That John Lindsey of Fulton county, and Aaron Hicks of White county be, and they are hereby appointed commissioners, to mark and locate a State road, commencing at the public square in the town of Rochester, in Fulton county, thence on the nearest and best route to the public square

in the town of Monticello in White county.

SEC. 2. The commissioners aforesaid shall attend at the town of Rochester, on the first Monday in May next, or some subsequent day that they may determine on, and after taking an oath or affirmation faithfully to discharge the duties required of them by this act, shall proceed to view and mark said State road between the points aforesaid, on the nearest and best way the ground will admit; and said commissioners shall within thirty days after the location thereof, cause a report together with the field notes of said road, to be filed in each of the counties of Fulton and White, which report together with the field notes, shall be recorded by the clerks of the said several counties in the record books of the board doing county business, within ten days after the same shall be filed as

SEC. 3. The commissioners aforesaid are hereby authorized to employ a competent surveyor and other necessary hands to assist in the location of said road, and the board doing county business in the several counties of Fulton and White shall make such allowance to said commissioners, surveyor and other hands necessarily employed as they shall seem reasonble to be paid out of any moneys in the treasury of the aforesaid counties not otherwise appropriated, each county to pay its proper proportion of said expense according to the work and labor performed in each county, and no more.

SEC. 4. Should the said commissioners herein named, or either of them, refuse to qualify, or should either of their appointments become vacant by death or otherwise, it shall be the duty of the board doing county business in said counties of White and Fulton, to appoint some suitable person or persons to fill such vacancy, who shall be governed in every respect by the provisions of this act.

This act to take effect and be in force from and after its passage.

CHAPTER XCVIII.

An Act to change the direction of the Michigan Road on section number thirty two of said road, situated in Fulton county.

(APPROVED, FEBRUARY 2, 1837.)

Be it enacted by the General Assembly of the State of Indiana, That all that part of the Michigan road that passes through section number thirty-two, of lands donated to said road, situated in Fulton county, be, and the same is hereby so far vacated that the said road (being one hundred teet wide) shall be henceforth laid on Main street, in the town of Rochester, the county seat of Fulton county, so far as the plat of said town is laid off on said section thirty-two, and to continue thence southward on straight line with said Main street, until it reaches the section line dividing sections thirty-two and thirty-three, in said Fulton county.

This act to be in force from and after its passage.

CHAPTER XCIX

An act to Locate a state road from Blairs mill to Kraco.

(APPROVED, FEBRUARY 4, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph Johnson and Calvin Alexander of the county of Allen, be, and they are hereby appointed commissioners to view, mark, and locate a state road from some suitable point on the St. Joseph river, above the mouth of Cedar creek in Allen county, by way of Blair's mill on Cedar creek, thence the nearest and best route to the village of Kraco, thence to the township line (or as near thereto as suitable ground can be found,) dividing townships thirty one and thirty two until it intersects the road leading from Huntington in Huntington county, to Goshen in Elkhart

SEC. 2. That said commissioners on the first Monday in April next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties assigned them by this act, shall proceed to locate the

said road between the aforesaid points.

SEC. 3. That said commissioners in the discharge of said duties, shall be governed in all respects by the provisions of an act defining the duties of commissioners appointed to locate state roads, approved February Ist., 1834.

CHAPTER C.

An Act to change the road commissioners on the state road leading from Jehn Perkins' in Rush county, to Napoleon in Ripley county.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Robert Ross, of the county of Decatur, be, and he is hereby declared a road commissioner on the state road leading from Jehu Perkins' in Rush county, to Napoleon in Ripley county, in place of Samuel Donal, in said county, appointed by an act approved February 10, 1831.

SEC. 2. It shall be the duty of the said Robert Ross to take the same oath as is provided by said act to be taken by the said Samuel Donal, and in all things to be governed by the said act and all other acts referred to

by said act.

SEC. 3. The said Robert Ross is hereby authorized and required to demand of the said Samuel Donal all moneys, papers, and other articles in his possession by virtue of his office of commissioner as aforesaid, and a refusal of the said Samuel Donal to so pay over or deliver to the said Robert Ross, he, the said Robert is hereby directed to sue for and recover the same.

This act to take effect and be in force from and after its passage.

CHAPTER CI.

An Act declaring a certain county road a state rosd.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county road leading from the state road which leads from Newport to Eugene, at a point on said state road where the line dividing section eight and nine, town seventeen, north of range nine west, crosses said state road, from thence by way of the army ford to the town of Perrysville in the county of Vermillion, be, and the same is hereby declared a state road.

This act to take effect and be in force from and after its passage.

CHAPTER CII.

An Act to relocate a part of the New Castle and Lafayette state road in the counties of Clinton and Tippecanoe.

(APPROVED, FEBRUARY 6, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana. That John Brown of the county of Clinton and William Heaton and William Bush of the county of Tippecanoe be and they are hereby appointed commissioners for the purpose of viewing, marking and locating so much of the state road running from New Castle to Lafayette as lies within the counties of Clinton and Tippecanoe as they may deem expedient, and the public interest may require.

SEC. 2. The said commissioners shall on the first Monday in April next or at as early a day thereafter as convenient, after taking an oath or affirmation faithfully and impartially to discharge the duties assigned them by this act, proceed to view, mark and relocate so much of the aforesaid road in said counties on the nearest and best ground having due regard to the public welfare and individual rights, so as not to materially increase the distance of said road, taking with them if they may deem the same necessary, a surveyor, chain carriers, and markers; a plat of which survey and relocation of the said road, they shall file in the clerks offices of the respective counties in which said relocation is made, within twenty days after such relocation and survey are completed.

SEC. 3. It shall be the duty of the boards doing county business in both of said counties, at their next meeting after the filing of the said report, to cause the said read to be opened any width not exceeding fifty feet in the same way and manner as now is or hereafter may be provided for

the opening and repairing public roads and highways.

SEC. 4. Should a vacancy take place by the death of either of the said commissioners or otherwise it shall be the duty of the board of county commissioners in Tippecanoe to appoint some person to fill such vacancy,

who shall be governed by the duties required in this act.

SEc. 5. The commissioners aforesaid, chain carriers, surveyors and markers shall each be entitled to a reasonable compensation for their services, and the boards doing county business in both of said counties, are hereby authorized and required to make to them or either of them such reasonable compensation to be paid out of the county treasury of the county in which the services may have been rendered. This act to be in force from and after its passage.

the series of the first the first that the first the fir hear aft players been given where or beautiful the bill of most free

CHAPTER CIII.

An Act to locate a State road from Emanuel Hatfield's, in Green county, to Black creek bridge in said county.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana That Drewry B. Boyd of Green county, be, and he is hereby appointed a commissioner to view, survey, locate and mark a state road from Emanuel Hatheld's in Green county, to Black creek bridge in said county.

Sec. 2. Said commissioner shall, on the first Monday of April next, or as soon as convenient thereafter, after taking the usual oath, proceed to view, mark and locate said road, and when he shall have viewed, marked and located said road, he shall cause a report of said road to be filed in the clerk's office of said county, within forty days thereafter, and the said clerk shall record the same in the record of said commissioner's court, and the said commissioners may, at their next term thereafter, make such reasonable allowance to said commissioner as they may deem proper.

SEC. 3. That the different supervisors, through whose district said road may run, shall, after the location of said road, cause the same to be opened not exceeding sixty feet wide and keep the same in good repair, in the same manner as other roads are.

SEC. 4. That a special act entitled "an act relating to county orders in Parke county, approved February 6th, 1836, be and the same is hereby repealed.

This act to take effect from and after its passage.

CHAPTER CIV.

An Act to relocate a part of the State road leading from Vincennes in Knox county, to Carlisle in Sullivan county.

(APPROVED, FEBRUARY 2, 1837.)

SEC. I. Be it enacted by the General Assembly of the State of Indiana, That Samuel Calhoun and John Weidner of the county of Knox, and William Watson of the county of Sullivan, be, and they are hereby appointed commissioners to view, mark and relocate so much of the state road leading from Vincennes in Knox county to Carlisle in Sullivan county, as lies between Emison's mills in Knox county and Boyd's dam in Bullivan county.

SEC. 2. The commissioners aforesaid shall, on the first Monday in June or on some subsequent day, meet at Emison's mills aforesaid, and after having taken an oath faithfully and impartially to discharge the duties resigned them by this act, preceed to view, mark and relocate the road

aforesaid, by Robert Benefield's in Knox county, on the nearest and best route to Boyd's dam aforesaid, taking with them if necessary a surveyor, chain carrier and marker. A plat of which location shall be filed in the clerk's office for record, in each of the counties of Knox and Sullivan, in thirty days after the said relocation.

SEC. 3. It shall be the duty of the boards doing county business, in each of said counties, at their next session after the filing of said copies of the report, to cause the said road to be opened a reasonable width, not less than forty feet, in the same way and manner as is or may be provided, for the opening of public roads and highways.

SEC. 4. It is hereby made the duty of the board of commissioners, in the counties before mentioned, to make to the road commissioners, surveyors, chain carriers and markers, such allowance for their services as to them may seem just and reasonable, which shall be paid by the counties aforesaid, in proportion to the length of said road in each county, out of any moneys not otherwise appropriated.

SEC. 5. Nothing in this act shall be taken or construed as interfering in any manner with the present stage route, between Emison's mills in Knox county and Carlisle aforesaid.

This act to take effect and be in force from and after its publication in the Democrat.

CHAPTER CV.

An act to locate a part of the Richmond and Fort Wayne State road.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Columbia, of the county of Allen, be, and he is hereby appointed a commissioner, to view, mark and locate a State road, commencing at the ninety mile tree, on the Richmond and Fort Wayne State road, thence to Davis' mill, thence to Fort Wayne.

SEC. 2. That said commissioner, after taking an oath aithfully to discharge the duties assigned by this act, shall, on the it Monday in April next, or some subsequent day, proceed to view, t ark and locate said road.

SEC. 3. That said commissioner may employ the necessary surveyor, chain carriers and markers, for the purposes of carrying into effect the provisions of this act, and the board doing county business in the said county of Allen, shall allow him such compensation as they may deem reasonable; the said commissioner shall file a plat of the survey of said road in the clerk's effice of Allen county, within ten days after such location, which the clerk shall record in the records of said county.

This act to take effect and be in force from and after its passage.

43

CHAPTER CVI.

An act to locate a State road in the County of Bartholomew, from Hope, by the way of Joseph Cox's and Thomas Bunnel's, to Columbus.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph Cox and Martin Houser of Bartholomew county be, and they are hereby appointed commissioners, to view, mark and locate a State road from Hope, by way of Joseph Cox's and Thomas Bunnels, to Columbus, on the nearest and best ground that can be had.

SEC. 2. Said commissioners shall meet at the town of Hope, on the first Monday of March next, or some subsequent day thereafter, and en-

ter upon the duties required of them by this act.

SEC. 3. The board doing county business of said county, shall, when the account of said commissioners is laid before them make such order for the payment of the same as they shall deem just and reasonable, the same to be paid out of the county treasury.

SEC. 4. It shall be the duty of the board doing county business in said county, to order said road to be opened, any width, not exceeding forty feet, and made agreeably to, and under the provisions of this act for the

opening and repairing roads and high ways.

This act to take effect and be in force from and after its passage.

CHAPTER CVII.

An act te locate a certain State Road therein named.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the State road leading from Indianapolis to Miamisport via Westfield in Hamilton county, as lies between Benjamin F. Hatfield's and the Michigan road be, and the same is hereby vacated; and the said State road shall hereafter be located on the county road, commencing at or near the said Hatfield's on the section line dividing sections thirteen and fourteen, township sixteen, north of range three east; from thence to the Michigan road in a southwardly direction, and the said county road between said points, is hereby declared a State road.

19 000

This act to be in force from and after its passage.

CHAPTER CVIII.

An act declaring a certain Road therein named, a State Road.

(APPROVED FEBRUARY 3, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the county road leading from Greensburgh via James Woods, thence via St. Louis, thence to intersect the State road from St. Omer to Columbus, near Moses Joiner's in Bartholomew county be, and the same is hereby declared to be a State road.

This act to take effect and be in force from and after its passage.

CHAPTER CIX.

An act declaring certain County Roads therein named, State roads.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county road leading from Centerville to Milton, in Wayne county be, and the same is hereby declared a State road from Centerville to Aaron Stanley's, on the road leading in the direction [of] Cincinnati.

SEC. 2. The county road from Newcastle by the way Greensborough to Knightstown, in Henry county, is hereby declared a State road.

This act to be in force from and after its passage.

the regard bas villelding alter an impartisity

CHAPTER CX.

An act to repeal an act to re-locate part of a State Road leading from Martinsville, in Morgan County, to Danville in Hendricks county.

(Approved, february 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That an act to re-locate part of the State road leading from Martinsville in Morgan county, to Danville in Hendricks county, approved February 1, 1833, be, and the same is hereby repealed.

This act to take effect and be in force from and after its publication.

CHAPTER CXI.

An Act to locate a certain state road from Washington to Edwards Po. thence to Carlisle.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Coywood of the county of Daviess, William Keathof the county of Knox, and Hiram Benefield of the county of Sullivan, be and they are hereby appointed commissioners to view, mark and locate a state road from the town of Washington in Daviess county, to Edwards Port in Knox county, thence to Carlisle in Sullivan county.

SEC. 2. That the said commissioners on the first Monday of April next or at some subsequent day after taking an oath faithfully and impartially to discharge the duties assigned them by this act, shall proceed to locate said road between the points aforesaid.

SEC. 3. That said commissioners in the discharge of said duties shall be governed by the provisions of this act defining the duties of commissioners appointed to locate state roads.

SEC. 4. This act to be in force from and after its passage.

The country real leading from Cupressible to Market in Warel and Indiana in Warel and Indiana in Warel and Indiana and Indiana

An Act to establish a certain state road therein named.

(APPROVED, FEBRUARY 6, 1837.)

Sec. I. Be it enacted by the General Assembly of the State of Indiana, That Matthew Bounnel of Clinton county and Sylvanus McLean of Wabash county, be and they are hereby appointed commissioners to survey and locate a state road from Frankfort in Clinton county via Grandview on the Michigan road in Carroll county thence to Wabash town in Wabash county.

SEC. 2. It shall be the duty of said commissioners on the second Monday of June next, or on some subsequent day thereafter having taken an oath according to law faithfully and impartially to discharge the duties enjoined upon them by the provisions of the first section of this act, they shall within thirty days thereafter file in each of the clerks offices in the counties through which said road may pass, a report which said report shall within ten days thereafter be recorded in the record book of boards doing county business in said counties.

SEC. 3. That the said commissioners of said counties shall at their first meeting after the bention of said road as herein contemplated cause

the same to be opened any width not exceeding forty feet and to be made agreeable to and under the provisions of the law now in force for opening and repairing public roads and highways in the several counties in this state.

SEC. 4. That said commissioners are hereby authorized and empowered at their discretion to employ a surveyor, chain men, and markers to make said location who shall each receive such compensation as the board doing county business in said counties may deem reasonable and just, in proportion to the distance of said road in each of said counties through which the same may pass, to be paid out of the said county treasuries of said counties at the discretion of the several boards doing county business in and for said counties.

SEC. 5. This act to be in force from and after its passage.

CHATER CXIII.

An Act to locate a State rold from Iseley's mills to intersect the State road from Lafayette to the State line in the direction towards Chicago.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William Sims of the county of Tippecanoe be, and he is hereby authorized and appointed to act as commissioner, to view, mark and locate a state road commencing at or near the mill of Daniel Iseley on Wild-cat creek in said county of Tippecanoe, thence to Shaws ford on the Wabash river, thence by way of Morrisonville, James Suiders, John Shegley Jr; and John Sniders in the border of the Grand prairie to intersect the State road leading from Lafayette to the state line in the direction to Chicago.

SEC. 2. The commissioner aforesaid shall proceed on the first Monday in May next, or on some subsequent day, after taking an oath or affirmation faithfully and impartially to discharge the duty required of him by this act, to view, mark and locate said state road, and shall in all respects be governed in his said duties and in the necessary report to be by him made and for his services and those of a surveyor, chainmen, and markers, if he may deem the employment of the same necessary, he and they shall be allowed the same compensation, as are prescribed and allowed by the act defining the duties of commissioners appointed to locate State roads and for other purposes, approved February 1, 1834.

This act to be in force from and after its passage.

CHAPTER CXIV.

An Act to establish certain State roads therein named.

(APPROVED FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assemby of the State of Indiana, That Henry Fullenwider and James W. Gaither of Crawford county are hereby appointed commissioners, who after taking an oath before some justice of the peace in said county to faithfully discharge the duties required of them by this act, shall proceed to view, mark and locate a route for a state road from Fredonia in said county via Fullenwider's mill accoss Little Blue river, from thence the most practicable route to intersect the State road from Rome to Fredonia at or near its crossing of Mill Creek.

SEC. 2. The said commissioners after performing the duties above required shall report the same to the board doing county business in said county at the next or some subsequent term thereafter, and the said board shall make such allowance to the commissioners for their services as it may deem just, and furthermore may at its discretion make an appropriation to have said road cleared out if said court deem it right to do so out of said three per cent fund; after the services herein required of the commissioners are performed, then the route viewed, marked and located shall in law become a state road.

SEC. 3. Be it further enacted, That the old county road in Perry county leading from Valentine Boyer's ferry on the Ohio River, to or near Hiram Hobbs in Clark township in said county is hereby declared a state road and Valentine Boyer and John Frakes senr. are hereby appointed commissioners, who, after taking an oath before a justice of the peace in said county to faithfully discharge the duties required of them by this act are authorized to make such changes as they may deem necessary or proper in said road not to injure private property and report the same to the board doing county business in said county and subject to the approval of said board, and the board may allow said commissioners a reasonable compensation for their services.

Sec. 4, That William Reynolds is hereby appointed agent to receive the three per cent fund appropriated to Crawford county by an act of the present General Assembly, and in all respects he is to be governed and comply with the provisions of said act, as it he had been appointed by the board doing county business in said county.

This act to be in force from and after its publication.

CHAHTER CXV.

An Act to authorize a change in part of the State road leading from Mooresville, by Danville, to Crawfordsville.

(APPROVED FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James F. Beckett, James Anderson, and Marine Benafield, are hereby apppointed commissioners to view that part of the state road aforesaid that lies between the north end of George Hartman's lane and the crossing of the creek in the direction of Danville; and also to view a proposed route between the two points before mentioned so as to cross the creek at or near Moores mill, thence up the bottom of the creek to intersect the present State road at or near the crossing of the creek aforesaid.

SEC. 2. The commissioners aforesaid or any two of them shall meet in the town of Danville on the first Monday in April next or any subsequent day that they may agree on and after taking an oath or affirmation, faithfully to discharge the duties assigned them by this act, shall proceed to view the present state road, and also the proposed route between the two points mentioned in the first section of this Act; and make a report to the next board doing county business which of the two ways, is best calculated to make a good and permanent road, and most convenient for travellers. And should said commissioners be of opinion that it would be of public utility to make such change, it shall be the duty of said commissioners, to make the proposed road, and make report to said board accordingly.

SEC. 3. Should said commissioners report favorably to the proposed new road, and the board being satisfied that the proposed road is opened for the passage of travellers there and in that case, the said board shall declare the new road, the state road, and so much of the present state road as lies between the two points before mentioned, to be vacated.

SEC. 4. It shall be the duty of the board doing county business in the county of Hendricks to make such allowance to the aforesaid commissioners as they shall think right and reasonable.

This act to take effect and be in force from and after its publication.

CHAPTER CXV L

An Act to locate a state road from Greenfield, in Hancock county, to Franklin, in Johnson county.

(APPROVED FEBRUARY, 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That George Leachman of Hancock county, be, and he is hereby authorized to view, mark, and locate a state road commencing at Greenfield, in Hancock county, thence the nearest and best way by John Warnar's [Murnan's] farm in said county, thence to William A. Dobles' farm in Shelby county, thence the nearest and best way to Franklin in Johnson county.

Sec. 2. The commissioner aforesaid shall proceed on the first Monday in April next, or some subsequent day, after taking an oath faithfully and impartially to discharge the duty required of him by this act, to view, mark, and locate a state road, and shall make all necessary surveys, and take with him a sufficient number of chain carriers and markers for that purpose, and shall, within twenty days after the location thereof cause a report of the same to be filed in the clerk's offices of the counties through which said road may run, and it shall be the duty of said clerks to cause the same to be recorded in the record book of the board doing county business within ten days thereafter.

SEC. 3. The boards doing county business through which the same may run, shall, at the first meeting after the location of said road, and report being made as aforesaid, cause the same to be opened any width not exceeding forty feet, and made agreeable to and under the provisions of the several acts for opening and repairing public roads and highways.

SEC. 4. The commissioner aforesaid shall be allowed the sum of one dollar and fifty cents per day for any day he is necessarily employed in locating the same, to be paid out of the respective county treasuries of the counties through which it passes, each county paying one third of said allowance, and such compensation to the chain carriers and markers as they may think just and reasonable.

SEC. 5. Should a vacancy happen by death, resignation, or otherwise, the Board doing county business in the county of Hancock shall have power to fill the same.

This act to take effect and be in force from and after its passage.

CHAPTER CX VII.

An Act to establish a state road therein named.

(APPROVED, FEBRUARY, 4 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John P. Agan, of Daviess county, be, and he is hereby appointed commissioner to view, mark, and locate a state road from Arnold's ferry, on White river, in the county of Daviess, on the nearest and best ground by the way of Veal's mills to Maysville in said county of Daviess.

SEC. 2. That said commissioner 'shall, previous to entering upon the discharge of his duties take an oath faithfully and impartially to perform the duties assigned him by this act, and shall, on the first Monday in April next, proceed to view, mark and locate said road. He shall have power to take to his assistance such hands as he may deem necessary to enable him to perform the duties herein required of him. He shall certify to the number of days that each hand shall have served as such; and the board doing county business shall allow them a reasonable compensation for their services. The commissioner aforesaid shall also be allowed a reasonable compensation by the board aforesaid, for his services.

This act to be in force from and after its passage,

CHAPTER CXVIII.

An Act to re-locate a part of the Fort Wayne and Indianapolis state road, and for other purposes.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Jacob Sigler of the county of Madison is hereby appointed a commissioner to view, mark, and locate so much of the Indianapolis and Fort Wayne state road as lies between John Shells and the point at which the Andersontown state road intersects the aforesaid Indianapolis and Fort Wayne road at or near Elijah Williamson's, so as to pass up Pipe creek and through the town of Alexander. The said commissioner shall locate the road on the most eligible ground between said points, and before the first day of June next, and in thirty days after he shall have completed the same he shall file a report in the clerks office of said county that the same may be recorded as the reports of the location of other state roads.

Sec. 2. The said commissioner may appoint a surveyor, chain carriers and other hands, if he deems the same expedient, and they shall be paid

out of the county treasury of said county n just and reasonable compensa-

SEC. 3. The said Jacob Sigler is hereby appointed a commissioner to re-locate that part of the Andersontown state road which lies between little Pipe creek and a point one mile north so as to pass through the town of Alexandria under the same provisions as are made in the first section of this act.

Snc. 4. It shall be the duty of the board of commissioners for said county to order the said road to be opened to any width not exceeding forty feet, and keep the same in repair.

SEC. 5. That so much of said road as lies between the points specified in the first and third sections of this act, is hereby declared vacated.

card tarview, mark and locate said road. Exchail

personal mesh year od in shard along composite a destable

and to bottoper great design est mon by area

This act to take effect from and after its passage.

CHAPTER CXIX

An Act to locate a state road from Bloomington to Bloomfield-

(APPROVED JANUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Moses Hall of the county of Monroe, and Solomon Stone of the county of Greene, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Bloomington, via Solomon Stone's in the aforeaid county of Greene, to Bloomfield, said road to be located between the points aforesaid upon the nearest and best route. Provided, That the commissioners aforesaid in the location of said road, shall have due regard to the rights of private property.

SEC. 2. The commissioners aforesaid, shall meet in the town of Bloomington on the first Monday in June, 1837, or on some subsequent day to be appointed by said commissioners, and previous to entering upon the discharge of their duties, they shall take an oath faithfully and impartially to perform the duties assigned them in this act, said commissioners shall have power to employ a surveyor, and sufficient number of chainmen and markers, who shall upon the certificate (of the commissioners aforesaid) of their services, receive from the Boards doing county business in the respective counties a reasonable compensation.

SEC. 3. The said commissioners shall make out a report of their proceedings, together with a plat of said road, and file the same in the respective clerk's offices of said counties, which the clerks shall cause to be laid before said boards doing county business for their action at the first term after said report and plat are filed, which said report and plat, said boards shall cause to be spread at full length on their record books at said term of said court, and cause said road to be opened any width they may think

proper not exceeding forty-eight feet, and to be worked by supervisors to be appointed for the purpose, according to the road laws now in force, said boards doing county business shall make to said commissionerss a reasonable compensation for their services.

Sec. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXX.

An Act to locate a state road from Shelbyville in Shelby county, to Columbus in Bartholomew county.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Isaac Drake of the county of Shelby, and Moses Joiner, of Bartholomew county, be and they are hereby appointed commissioners to view, mark, and locate a state road from Shelbyville in Shelby county, to Columbus in Bartholomew county.

Szc. 2. The said commissioners shall attend at the town of Shelby ville in Shelby county, on the first Monday of June next, or so soon thereafter as may be by them agreed upon, and after taking an oath faithfully and impartially to discharge the duties required of them by this act, shall proceed to view, and mark said road between the points aforesaid, in as straight a direction as suitable ground can be found; and in thirty days thereafter, cause a report to be filed in each of the clerks offices of the above named counties, which report shall be recorded by said clerks in the record book of the board doing county business within ten days after the filing of the same.

SEC. 3. It shall be the duty of the boards doing county business in the counties above named, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding thirty three feet, and made agreeably to, and under the provisions of the several acts that now are or may be in force for opening and repairing public roads and high-ways.

SEC. 4. Should the commissioners aforesaid, die, resign, or refuse to qualify, it shall be the duty of the board doing county business in the county in which such vacancy may happen to appoint some suitable person to fill such vacancy.

SEC. 5. It shall be the duty of the boards doing county business in the aforesaid counties, to allow the aforesaid commissioner such compensation as they may deem just for their services to be paid out of the county treasuries of the above named counties.

This act to take effect and be in force from and after its publication.

CHAPTER CXXI.

An act to locate a State Road therein named.

(APPROVEE FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William Sexton of Delaware county be, and he is hereby appointed a commissioner, to view, mark and locate a State road, commencing at the point in the county of Henry, where the State road from Knightstown to Middletown crosses the line dividing sections two and three in township eighteen, range nine east, thence the nearest and best route to Yorktown in Delaware county, thence to the town of New Cumberland, thence the nearest and best route to the Huntington State road.

SEC. 2. Said commissioner shall be allowed the sum of one dollar per day for each day spent in locating said road, together with all reasonable charges for chair carriers, and markers of said road, to be paid out of the three per cent. fund of the several counties through which said road may run, in proportion to the length of said road in each county.

This act to be in force from and after its passage.

CHAPTER CXXII,

An act to vacate a part of the Indianapolis, Centreville and Richmond State road.

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the Indianapolis, Centreville, and Richmond State road, as lies between the west end of Samuel Charles' lane and the west end of the lane of John Smith, both east of the town of Richmond in the county of Wayne be, and the same is hereby vacated: Provided, That the petitioners who are the owners of the land along that part of said road proposed to be vacated, shall make a road equally good along the line of the National road, which will answer in the place of said State road so vacated.

This act to take effect and be in force from and after its passage.

CHAPTER CXXIII.

An Act to locate a State road from Portland on the National Road, to the Michigan Road in Shelby county:

(APPROVED FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Robert M'Corkhill of the county of Hancock, Reuben Bentley of the county of Rush, and George Forsythe of the county of Shelby, be, and they are hereby appointed commissioners to view, mark and locate a state road from Portland in Hancock county to the Michigan road in Shelby county, locating the same, as nearly as practicable, on the line dividing the counties of Rush, Hancock and Shelby, touching the following points, viz: the north west corner of the county of Rush, Savannah, Wilmington and Cynthiana.

Sec. 2. The commissioners or any two of them shall meet on the first Monday in May next, or at some subsequent time, to be agreed on by a majority of said commissioners, and after taking an oath faithfully and impartially to discharge the duties assigned them by this act, shall proceed to view, mark and locate the aforesaid road, and shall within thirty days after the location of the same, file a report of their proceedings in the clerk's offices of those counties in which said road is located, which report shall be recorded in the record book of the board doing county business in said counties.

SEC. 3. At the first meeting of the aforesaid board, after the filing of the report of the commissioners aforesaid, it shall be the duty of said boards, to cause the road to be opened any width not exceeding forty five feet, and made agreeably to, and under the provisions of the several acts relating to the opening and repairing of public roads and highways.

SEC. 4. The boards doing county business in the counties aforesaid shall make such allowances to said commissioners, as they may deem reasonable and just, for such services as they may perform under the provisions of this act, each county paying its own commissioner.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CXXIV.

An Act to establish a State Road from Napoleon in Ripley county to Vernon in the county of Jennings.

(APPROVED, FEZRUARY 4, 1837.)

SEC. 1. Be tt enacted by the General Assembly of the State of Indiana, That Gideon Cummins and Elias Conwell of the county of Ripley, and

Johnston Elliott of the county of Jennings, be, and they are hereby appointed commissioners to view, mark and locate a state road from Napoleon in Ripley county, by way of Seth Grigg's or Otter creek, thence down said creek to the road running from Versailles in Ripley county to Vernon in Jennings county.

SEC. 2. Said commissioners shall, on the first Monday in April next, or as soon as convenient thereafter, taking the usual oath, proceed to view, mark and locate said road, and when they shall have viewed, marked and located said road, they shall cause a report of said road to be filed in the clerk's office in said counties, within forty days thereafter, and the said clerks shall record the same in the records of said commissioner's courts, and the said commissioners may, at their next term thereafter, make such reasonable allowances to said commissioners, in proportion to the distance said road may run in each county, as they may deem reasonable and just.

SEC. 3. That the different supervisors, through whose districts said road may run, shall, after the location of said road, cause the same to be opened not exceeding sixty feet wide and keep the same in good

repair, in the same manner that other roads are.

Sec. 3. That John Coons, John Lowe and John H. Garot are hereby appointed commissioners to view, mark and locate a state road, commencing on the Connersville and Brookville state roads, about two miles south of the line dividing the counties of Fayette and Franklin; thence west via Laurel and Summerset; thence the nearest and best way (having due regard to improvements) to the south east corner of Rush county, where it intersects Franklin county, to intersect the State road leading from Napoleon to the National road in Henry county, said commissioners to be governed in every respect according to the above provisions.

This act to take effect and be in force from and after its passage.

CHAPTER CXXV.

An act to locate a State Road therein named.

(APPROVED, FEBRUARY 4, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Abijah Davis, John Cox and James Lafferty of the county of Posey, be, and they are hereby appointed commissioners to mark and locate a state road, from Cynthiana in Posey county, to Webb's ferry on the Wabash river.

SEC. 2. The said commissioners or any two of them shall meet at the town of Cynthiana, in said county of Posey, on the first Monday in June next, or some subsequent day thereafter, and commence and enter upon the duties required of the n by this act.

SEC. 3. So soon as the commissioners appointed by this act, shall make their report to the board doing county business, it shall be the duty of said board to order the same to be opened, any width not exceeding forty feet, and for that purpose shall assign a proper number of hands for opening the same.

SEC. 4. The said commissioners to be governed in all respects by an act defining the duties of commissioners, appointed to locate state roads

and for other purposes, approved, February 1, 1834.

This act to take effect and be in force from and after its passage.

CHAPTER CXXVI.

complain of nothing to the the property of the contract of the contract of

An Act authorizing the relocation of a certain State road in Hancock county.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Apple of the county of Hancock, be and he is hereby appointed a commissioner, to view, mark and relocate so much of the Indianapolis and Pendleton state road as lies on the South east side of Fall creek in

the county of Hancock.

SEC. 2. It shall be the duty of said commissioner on the first Monday of May next after being duly qualified to faithfully and impartially discharge the duties enjoined upon him by this act, to take to his assistance such hands as may be necessary, and proceed to view, mark and relocate the aforesaid road. And it shall be the duty of said commissioner within twenty days after the relocation of said road to file a report of the same in the Clerks office of the county aforesaid. And it shall be the duty of the board doing county business for said county, at their next session after filing the report of said commissioner, to cause the same to be recorded among the records of said board, and it shall be the duty of said board to cause the aforesaid road to be opened any width not exceeding forty feet and made agreeably to and under the provisions of the several acts relating to the opening and repairing public roads and highways.

SEC. 3. The board doing county business for the county aforesaid, shall make such allowance to the aforesaid commissioner and such hands as he may employ to assist him in said relocation as may be reasonable for such necessary services, as they may render under the provisions of

this act.

CHAPTER CXXVII.

An Act to relocate part of the State road leading from Noblesville in the county of Hamilton to Andersontown in Madison county.

(APPROVED, FEBRUARY 4, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Zenas Beckwith, of the county of Hamilton, be, and he is hereby appointed commissioner, to view, mark and relocate so much of the state road leading from Noblesville in the county of Hamilton to Andersontown in Madison county as lies between Noblesville in the county of Hamilton, and where said road crosses stony creek in the county aforesaid; to wit: beginning at the town of Noblesville in the county of Hamilton, from thence running with the New Castle State road, to the county road leading past the farm of John Hair, thence on or near the county road to the farm of John Hair; thence the nearest and best way to intersect the old road at or near the farm of John Fry in the county of Hamilton.

SEC. 2. That the commissioner aforesaid shall on the first Monday in March, or on some subsequent day, after having taken an oath, faithfully and impartially to discharge the duties assigned him by this act, proceed to view, mark, and relocate the road aforesaid, taking with him if necessary, a surveyor, chain carrier and marker, a plat of which location he shall file in the clerks office, for record, in the county of Hamilton, with-

in twenty days after said location.

SEC. 3. It shall be the Juty of the board doing county business in the county of Hamilton at their next meeting after said location is made, to cause the same to be opened agreeably to and under the provisions of

this act, for opening and repairing roads and highways.

SEC. 4. That the commissioner aforesaid, and the hands necessarily employed in said relocation, be allowed by the board doing county business in the county of Hamilton a reasonable compensation for their servi-

SEC. 5. That so much of said road as lies between Noblesville in the county of Hamilton and crossing Stony creek in the county aforesaid, be. and the same is hereby vacated.

CHAPTER CXXVIII.

An Act to establish and relocate certain State Roads therein named and for other purposes.

(APPROVED, EEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John M. Lee and William Henderson of the county of Monroe,

John Brown of the county of Lawrence, and Cyrus Whitsell of the county of Morgan, be, and they are hereby appointed commissioners, to relocate so much of the Indianapolis and Leavenworth state road as lies south of Clear creek in the county of Morgan, to Bedford in Lawrence county: Provided however, That in the relocation of said road, Eugene in the county of Monroe shall be made a point: Provided further, That said commissioners, in the location of said road, shall make no other changes than the public interest may require; and the commissioners aforesaid, shall, in the discharge of their duties aforesaid, have due regard to the rights of private individuals.

SEC. 2. That Joseph Baugh, of Monroe county, Banner C. Brummett and Henry Newkirk, of Brown county, be, and they are hereby appointed commissioners to re-locate the Bloomington and Columbus state road, and that they place it on the nearest and best ground between those two places; Provided however, That Jackson's Licks, (as they are commonly called) and Jacksonburgh, the county seat of Brown county, shall be made

points in said road as relocated.

SEC. 3. That Benjamin Rogers, of Monroe county, David D. Weddle, of Brown county, and Joab Woodruff, of Johnson county, be, and they are hereby appointed commissioners to view, mark, and locate a state road commencing at or near John Young's horse mill, on the Bloomington and Morgantown state road in Monroe county, running thence on the nearest and best ground via Georgetown in Brown county, to Joab Woodruff's in

Johnson county.

SEC. 4. That the commissioners named in the first section of this act or a majority of them, shall meet in the town of Bloomington on the first, Monday in March next, or some subsequent day thereafter to be agreed upon by them, or a majority of them. The commissioners named in the second and third sections of this act, or a majority of them, shall also meet in the town of Bloomington, on the first Monday in April next, or on some subsequent day, to be agreed upon by them. Said commissioners shall each receive one dollar per day for their services, or so much of their services, and also the services of any hands employed by them as may be rendered in Brown county, out of the three per cent. fund of said county, now on hand; and in all other particulars shall be governed by the provisions of an act entitled "an act defining the duties of commissioners appointed to locate state roads, and for other purposes," approved Feb. 1st, 1834.

SEC. 5. The commissioners named in the first section of this act, shall be allowed for their services a reasonable compensation by the boards doing county business in the respective counties through which said road may run, and be governed in the discharge of all their other duties by the provisions of an act entitled "an act defining the duties of commissioners appointed to locate state roads, and for other purposes," approved Feb. 1st. 1834.

SEC. 6. That one hundred dollars of the three per cent, fund due Lawrence county, be appropriated to the improvement of the Indianapolis and Leavenworth state road, as it may be re-located by the provisions of the first section of this act; and that John Brown of said county, be the commissioner to expend said money on said road within the limits of the county aforesaid: Provided, however, that if said road is not re-located, then said one hundred dollars is to be laid out on said road as it is now established; said commissioners to be governed in the same manner that commissioners of the three per cent. fund are required to be governed by the act entitled "an act to appropriate to the several counties in this state a part of the three per cent. fund," approved Feb. 8th, 1836.

This act to be in force from and after its passage.

CHAPTER CXXIX.

An Act to divorce Amanda M. Smith.

(APPROVED, FEBRUARY 6, 1837.)

Be it enacted by the General Assembly of the State of Indiana, That the banns of wedlock heretofore entered into and existing between Amanda M. Smith, alias, Amanda M. Grey, and Richart P. Smith be and the same is hereby dissolved and set aside as null and void.

This act to take effect and be in force from and after its passage.

CHAPTER CXXX.

An act to change the name of the town of Danville,

(APPROVED, FEBRUARY 3, 1837.)

Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Danville in the county of Fayette, and state of Indiana, be, and the same is hereby changed to the name of Fayetteville, and the name of the said town of Danville shall hereafter be known and called in all public transactions, by the aforesaid name of Fayetteville: Provided, however, That the change shall in no way affect any contract heretofore made, or any private or public rights.

This act to take effect and be in force from and after its passage.

THE RESERVE OF THE PARTY AND THE PARTY OF TH

CHAPTER CXXXI.

An Act to amend an acc entitled an act to vacate the town of Northampton in the county of Harrison, and Lebanon, in Jackson county.

(APPROVED FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all that part of the town of Northampton in the county of Harrison known and designated on the plat of said town, as the public square, be, and the same is hereby declared to be revested in the original proprietor of said town, or his legal assignees or their heirs.

SEC. 2. That so much of the act to which this is an amendment, as vacates that portion of Main street, in said town of Northampton, which lies between the Corydon road, and what was formerly called Poplar street, be, and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its publication.

CHAPTER CXXXII.

An Act for the relief of James Warren.

(APPROVED, FEBRUARY 6, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the School commissioner of Monroe county be authorized and he is hereby required to pay James Warren, of the county aforesaid, the sum of forty dollars out of the school funds arising from the sale of certain lands sold by him for school purposes, upon which said land, said Warren made valuable improvements, and which said lands are situated on Jackson's defeat creek, in said county, and were sold either in the months of August or September, Provided however, That said Warren shall satisfy said commissioners that said improvements were made thereon by him, and upon the payment of said money said Warren shall execute a receipt, fully relinquishing all future claim of any and every kind whatever, and any remuneration from any other source for said services.

This act to be in force from and after its passage.

CHAPTER CXXXIII.

An Act to legalize the assessment and collection of the state and county revenue for the year 1836 in the counties of Warrick and Spencer.

(APPROVED DECEMBER, 29, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the appointment of assessors, the assessment returns, the appointment of collectors, and the fixing of the per centum of taxation and all the acts and doings of the boards doing county business in and for said counties of Warrick and Spencer, in relation thereto in the year 1836, are hereby legalized and are hereby declared as legal and effectual, to all intents and purposes as if done at the proper time and in due manner as prescribed by an act entitled "an act to provide for an equitable mode of levying the taxes of this state, approved February 8th 1836.

SEC. 2. This act to be inforce and take effect from and after its pas-

sage.

CHAPTER CXXXIV.

An act to locate a State road from Hathaway's mill in Pike county, to intersect the State road leading from Petersburgh in Pike county to Washington in Daviess county.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Thomas Pride, Thomas Hardgrave of the county of Pike, and Benjamin Fitzgerald of the county of Daviess, be and they are herby appointed commissioners to view, mark and locate a State road from Hathaway's mill in Pike county, to the High banks on White river, from thence the nearest and best way, in the direction of Washington in Daviess county, to intersect the State road leading from Petersburgh to Washington in Daviess county.

SEC. 2. Said commissioners or any two of them, shall meet at Hathaway's mill on the first Monday of June next, or on some subsequent day that they may agree upon, and then and there proceed to locate the said

road on the nearest and best route between said points.

SEC. 3. Said commissioners shall make out a report of their doings to

the county board in each county through which said road may run, within thirty days after they complete said location.

SEC. 4. Each commissioner shall receive one dollar per day for each and every day spent in locating said road, to be paid out of the county treasury in which the commissioners may reside.

This act to take effect from and after its passage.

CHAPTER CXXXV.

An Act to appropriate the unappropriated balance of the three per cent. fund, appropriated to the county of Orange.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted, by the General Assembly of the State of Indiana, That James Danner, of the county of Orange, be, and he is hereby appointed commissioner on so much of the State road as lies within Orange county between Leavenworth's mills and Orleans.

SEC. 2. Said commissioner is hereby authorized, and he is hereby required to call upon the commissioner of the three per cent. fund in Orange county and receive the unappropriated balance appropriated by a previous act of the General Assembly, and expend the same to the improvement of said road under the provisions of an act providing for the regulating duties of commissioners of the three per cent. fund in the county of Orange.

SEC. 3. This act to take effect and be in force from and after its pass-

age

CHAPTER CXXXVI.

An act declaring Yellow river a public highway from its junction with the Kankakee river to Plymouth in Marshall county.

(APPROVED FEBRUARY 5, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Yellow River from its junction with the Kankakee river, to Plymouth in Marshall county, be, and the same is hereby declared a public highway.

This act to be in force from and after its passage.

CHAPTER CXXXVII.

An Act to change the name of the town of Mongoquinong in Lagrange county to that of Lima.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Mongoquinong in Lagrange county, be, and the same is hereby changed to that of Lima.

This act to take effect and be in force from and after its pass age.

CHAPTER CXXXVIII.

An Act to locate a State road in Laporte county.

(APPROVED, FEBRUARY 4, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That William Clark and David Harmon of Laporte county be and they are hereby appointed commissioners to view, mark and locate a state road from the Public square in the town of Laporte Laporte county to the state line of the State of Indiana in the direction of New Buffaloe in the territory of Michigan on the nearest and best ground.

SEC, 2. Stid commissioners aforesaid shall meet on the first Monday in April next in the town of Laporte, or as soon thereafter as may be convenient, and after having been duly sworn or affirmed to discharge the duties required of them by this act shall proceed to view, mark and locate said road and it shall be the duty of said commissioners where they shall have located and marked said road to file in the clerk's office of La-

porte county a survey of said road.

SEC. 3. It shall be the duty of the board doing county business in said county of Laporte to cause the said road to be opened and worked upon as other roads in said county; which said road shall be at least sixty feet wide and shall be opened as soon as practicable after its location.

SEC. 4. The commissioners, surveyor, chainmen and markers shall be allowed a reasonable compensation to be fixed by the county board and paid out of the county treasury of Laporte county.

Sec. 5. This act to be in force from and after its passage.

CHAPTER CXXXIX.

An Act to legalize the election and acts of H. P. De Bruler as Probate Judge in the county of Pike.

(APPROVED, JANUARY 18, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the election of H. P. De Bruler as Probate Judge in and for the county of Pike, and his acts and doings as such, be, and the same are hereby declared to be as valid and legal in law, as if he had been elected at the proper time.

This act to take effect and be in force from and after its passage.

CHAPTER CXL.

An Act to authorize the mutual transfer of certain school funds between the townships of Eel and Noble in Cass county.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the school commissioner of Cass county, be, and he is hereby authorized and required to transfer and pay over to Noble township in said county, or the proper officers thereof, all such school funds as have or may hereafter accrue to Ecl township in said county, or to which Ecl township is or may hereafter be entitled, arising from the sale of school section [sixteen] in Congressionel township north of range of which Congressional township, both county townships of Noble and Ecl are formed.

SEC. 2. That all right, title and interest of Noble township aforesaid in and to such fines and forfeited recognizances as are applied to common school purposes, which have or may hereafter accrue to said Noble township, be, and the same are hereby relinquished and transferred to Ecl

township aforesaid or the proper officers thereof.

CHAPTER CXLI.

An Act relating to State roads.

(APPROVED, JANUARY 30, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph B. Jevoyden of the county of Jennings Benjamin Willams of Bartholomew county, William Jackson of the county of Brown, be, and they are hereby appointed commissioners to view, mark and locate a state road commencing on the Madison and Indianapolis State road, at the twenty third mile post, thence on the nearest and best ground to Azalia in Bartholomew county, thence on the nearest and best ground to Jacksonburgh in Brown county.

SEC. 2. That John Whitington and William Snyder of Brown county and Sampson Cannatsy of Morgan county be, and they are hereby appointed commissioners to view mark and locate a state road from Jacksonsburgh in Brown county, to Morgantown in Morgan County.

Src. 3. So soon as the commissioners above named shall make a report of the location of said road, or either of them in the clerk's office of either of the aforesaid counties, it shall be, and is hereby made the duty of the proper board of county commissioners to order so much as lies within their proper county to be opened any width not exceeding forty feet; and for that purpose shall assign a proper number of hands to aid in opening the same.

Sec. 4. That said commissioners shall meet at such time and place on their respective rouses as they may agree upon and proceed to the discharge of the dnties under this act; and shall be governed in all things not herein provided for, by an act entitled "an act defining the duties of commissioners appointed to locate state roads and for other purposes," approved February 1st, 1835, Provided, that the expenses to be paid by the county of Brown for the location of so much of said roads as is within said county, shall be defrayed out of the three per cent. fund belonging to said county.

SEc. 5. The old county road from Vernon to Brownstown is hereby declared to be a state road.

This act to take effect and be in force from and after its passage.

CHAPTER CXLII.

An act to establish a State Road.

(APPROVED FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Elias Little, Lawrence Frazier and John Columbia, of the county of Dearborn be, and they are hereby appointed to survey, mark and locate a State road from Aurora up the south side of Hogan creek, by way of Linsey's tan yard, John Columbia's, King's factory, Samuel Ewing's and Moore's mill to the Aurora and Napoleon state road, near John Dashield's farm in Dearborn county.

SEC. 2. Be it further enacted, That the said commissioners shall meet in the town of Aurora on the first Monday in May next, or some subsequent day, and after taking an oath faithfully and impartially to discharge the cuties assigned them by this act, shall proceed to mark and locate such road.

This act to be in force from and after its passage.

CHAPTER CXLIII.

An act declaring Banbango Creek, in the Counties of St. Joseph and Elkhart, a public highway.

(APPROVED, FEBRUARY,4 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Banbango creek, from its mouth to the main forks in Elkhart county be, and the same is hereby declared a public highway: Provided however, That nothing in this act shall be so construed as to interfere with, molest or disturb any mill-dam or other improvement erected upon said stream.

SEC. 2. Be it further enacted, that the boards doing county business in the county of St. Joseph and Elkhart, may improve the navigation thereof, as they may deem proper and consistent with the general good of said counties.

SEC. 3. Said commissioner may appropriate such sum as they may deem proper, for the improvement of the navigation of said stream, out of any moneys not otherwise appropriated, that may be assigned or granted to said counties out of the three per cent. fund.

Sec. 4. Nothing in this act shall be so construed as to prevent any person or persons from crecting and building mill-dams in said stream below the main forks: Provided however, That such person or persons construct a good and sufficient slope in the dams for the safe downward passage of rafts. This act to take effect from and after its passage.

CHAPTER CXLIV.

An act legalizing the sale of South-east Quarter of Township Sixteen, in Congressional Township Number Fourteen, in Shelby County.

(APPROVED, JANUARY 27, 1837.)

Whereas, it appears to this General Assembly, that John Trimble, Rezin Davis and David Tracy, trustees of Congressional township number fourteen, in Shelby county, made sale of a lease for the term of ninty-nine years, renewable forever, of the south-east quarter of section sixteen, in said township, after the repeal of the act authorizing the sale thereof, believing the same not to have been repealed. And whereas, also, the same trustees leased in the same manner, the remaining portions of said section, previous to the repeal aforesaid; but doubts are entertained by the lessees as to the legality thereof. Therefore—

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the sale and leases of the sixteenth section, the Congressional township numbered fourteen, in Shelby county, made by John Trimble, Rezin Davis and David Tracy be, and the same is hereby legalized: Provided, It shall be the duty of the lessees or their assigns, respectfully, to furnish the present trustees of said township, with true copies of said leases, within six months from the passage of this act, and pay to them all arrearages of rent due on said leases.

This act to take effect and be in force from and after its passage.

CHAPTER CXLV.

An act declaring certain County Roads in Owen County, State Roads.

(APPROVED, JANUARY 30, 1837.)

Sec. I. Be it enacted by the General Assembly of the State of Indiana, That the following county roads in Owen county, to wit: the county road from the Indianapolis state road, near the bridge on Limestone creek by way of Gossport, to where it again intersects the said State road; the county road from Spencer, by way of Elijah Chambers', to the Brentonsville and Bloomington state road; and the Woodsferry county road, beginning in section fifteen and terminating in section thirty-six, in town nine, north of range three west, be, and the same are hereby declared State roads.

This act to take effect and be in force from and after its passage,

CHAPTER CXLVI.

An act declaring a certain Road therein named, a State Road.

(APPROVED FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county road leading from a point in the Fort Wayne state road near Stephen Stutsman's in Elkhart county, to the State line, in the direction of Edwardsburgh, in Michigan territory be, and the same is hereby declared a State road, and the board of commissioners of said county of Elkhart, are hereby requested to keep said road in repair, in such manner as now is, and may hereafter be provided by law for repairing State roads.

This act to be in force from and after its passage.

CHAPTER CXLVII.

An Act to establish a certain state road therein named.

(APPROVED, FEBRUARY 4, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That John Blake and Beal Dorsey, of Clinton county, are hereby appointed commissioners, to locate a road, commencing at the western termination of Walnut-street, in Frankfort in said county, thence west in the direction with said street, until it intersects the Crawfordsville state road; also to locate a road from the west end of Main Cross-street, in said town, in a direction west, parallel with said street, across the east half of the north-west quarter, of section ten, township twenty-one, north of range one west, both roads to correspond in width, with the width of said street.

Sec. 2. Said commissioners, after having taken an oath faithfully and impartially to discharge the duties hereby required of them, shall at a convenient time proceed to view and locate said roads, and if after due examination, they shall be of opinion, that said road would be of public utility, they shall cause a survey thereof to be made, and the same to be recorded, and in all respects be governed by the provisions of an act, entitled "an act defining the duties of commissioners appointed to locate State roads, approved February 1, 1831.

CHAPTER CXLVIII.

An act to declare certain Roads therein named State roads.

(APPROVED, JANUARY 39, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county road leading from Princeton in Gibson county via Kirk's mills, to the Pike county line, in the direction of Petersburgh in Pike county be, and the same is hereby declared a State road.

SEC. 2. That the road from Madison, by Amos Mount's and Ramsey's mill, to Paris, be, and the same is hereby declared a state road.

This act to be in force from and after its passage.

CHAPTER CXLIX.

An Act for the benefit of Nancy Roseberry.

(APPROVED, JANUARY 21, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Nancy Roseberry, wife of William Roseberry, of the county of Monroe, in this State be, and she is hereby authorized and empowered to acquire, hold, enjoy and possess, in her own individual right, property, both real and personal, and to contract and be contracted with, as a feme sole, without let, hindrance or interference of her husband, the said William Roseberry in any way whatever; and shall have the right to sue and be sued in all the courts and judicial tribunals of this State, and have and exercise all the rights, privileges and immunities in acquiring, holding and possessing property possessed by unmarried women under the laws of this State.

SEC. 2. That in addition to the privileges conferred by the first section of this act, the said Nancy Roseberry be, and she is hereby invested with full power and authority over, and shall have the sole and exclusive control and guardianship of, her minor children, and the charge and superintendance of their raising and education, until they may arrive at years of maturity.

This act to take effect and be in force from and after its passage.

CHAPTER CL.

An Act declaring certain names misprints.

[APPROVED, FEBRUARY 3, 1837.]

Suc. 1. Be it enacted by the General Assembly of the State of Indiana, That the names of Elijah Irvan and George Zagn, of Hancock county in the first section of an act entitled "an act to incorporate the Franklin, Fayette, and Rush Turnpike company" approved February 8, 1836, be, and is hereby declared a misprint, and that the name of Elijah Irvan is [was] intended to be Elijah Tyner, and that the name of George Zagn is, and was intended to be George Tague.

This act to be in force from and after its passage.

CHAPTER CLI.

An Act to authorize Andrew Waymire to build a mill dam at Barron's Island off the Wabash river.

(APPROVED FEBRUARY 8, 1837.)

SEC. 1. Be it enacted by the General Assemby of the State of Indiana, That Andrew Waymire, of Cass county, be and he is hereby authorized to erect and build a mill dam across that branch or portion of the Wabash river, running on the south side of the first island in the Wabash river below the mouth of Eel river in the said Cass county, known as Barrons island.

SEC. 2. That the said Andrew Waymire be, and he is hereby authorzed to take out, either through a race or forebay at or about said dam, a sufficient quantity of water to propel any mills or machinery that he may think proper to establish, at or near said dam; Provided, That the erection of said dam, nor the taking out said water shall in no wise intercept or prejudice the free navigation of said Wabash river.

SEC. 3. Said Andrew Waymire is hereby authorized to clear the stone, gravel and drift woods out of that part of said Wabash river, which runs

on the south side of said Barron's Island.

SEC. 4. This act to take effect and be in force from and after its passage.

not not the tark of all containing to a partition were not supported by

CHAPTER CLII.

An Act to locate a State road from Andersontown in the county of Madison to-Knightstown in Henry county.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph M'Zeek, of the county of Madison; be, and he is hereby appointed commissioner, to view, mark and locate a State road from Anderso atomic Madison chanty, via, New Columbus, to intersect the state road leading from Knightstown to Pendleton at or near James Ports in Henry county.

Sec. 2. The commissioner aforesaid after being duly qualified, shall proceed on the first Monday of May next, or some subsequent day and proceed to locate said road on the nearest and best route between the aforesaid points having due regard to individual rights so as not to ma-

terially increase the distance of said road.

SEC. 3. Said commissioner may, if he deems it necessary take to his aid a surveyor, marker, and chain carriers each of whom, together with the said commissioner, shall receive one dollar and fifty cents per day for their services the same to be paid by the several counties through which said road passes, in proportion to the distance said road runs in each of said counties, to be paid out of any part of the three per cent fund, which has been or may hereafter be appropriated to said counties.

SEC. 4. It shall be the duty of said commissioner to file in the office of each clerk of the several counties through which any part of said road passes within thirty days after the location of the same, a complete statement of said survey and location, which shall be by said clerk recorded in

the Record Book of their respective counties.

SEC. 5. The board doing county business in the county of Madison, shall have power to fill all vacancies should any occur; and the person so appointed, shall be governed in all things by the provisions of this act.

This act to take effect and be in force from and after its publication.

CHAPTER CLIII.

An Act to vacate a part of a certain State road, and to relocate a part of another State road in the county of Vermillion.

(APPROVED FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of a state road leading from the Wabash River, at a point opposite the town of Montezuma, in a north westerly direction by way of

Josiah Johnson's farm in Vermillion county, to the state line in the direction of the Grand Prairie in Illinois, as lies between the said Wabash river and the state road leading from the town of Clinton to the town of Newport in said county of Vermillion, be and the same is hereby vacated.

SEC. 2. That so much of the State road leading from the town of Newport in the county of Vermillion, as lies between the centre of the town of Highland, in the county of Vermillion, and the farm of Horace Ingram be, and the same is hereby relocated upon the following ground, to wit: commencing at the said centre of said town of Highland, running from thence north, on the line that divides the land of James Thompson and Joseph Jenes to intersect the present road at or near the house of said Horace Ingram, about one and one half miles from the town of Highland, and that Philip French is hereby appointed commissioner for that purpose.

SEC. 3. The county commissioners of and for the county of Vermillion, are hereby required to order the said road to be opened on the contemplated new route, and when the same shall be so opened so much of the present road as lies between the centre of said town of Highland, and the farm of said Horace Ingram, shall be then vacated by the provisions of

this act.

This act to take effect and be in force from and [after] its passage.

CHAPTER CLIV.

An Act to appropriate part of the three per cent. fund for the purpose therein named.

(APPROVED, FEZRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That fifteen hundred dollars of the three per cent. fund which has been or may be allowed to Grant county, be, and the same is hereby appropriated for the purpose of erecting a bridge across the Mississinawa river, near Marion in Grant county; which stid sum of money shall be taken out of the first money of the three per cent. fund belonging to the county of Grant.

SEC. 2. And be it further enacted, That William Massey, Moses Bond and John James, be, and they are hereby appointed commissioners to superintend the construction of said bridge contemplated in this act: provided, that the said commissioners before entering upon the duties confided to them, shall give bond, with satisfactory security to the county commissioners of Grant [county] for the faithful disbursement of the money for the above object; and said commissioners shall receive the money hereby appropriated or any part of it from the commissioner appointed to receive the three per cent. fund belonging to said county, to be paid over by him to them in preference of any other appropriation.

369

SEC. 3. Provided, however, that should a majority of the qualified voters of Grant county remonstrate against the appropriation mentioned in this act, then this act shall not be in force, but said money shall be used as otherwise provided for by law.

This act to take effect and be in force from and after its passage.

CHAPTER CLV.

An Act to amend an act entitled "an act to establish a state road from Rome, in Perry county, to Jasper in Dubois county, approved February 1835.

(APPROVED JANUARY 30, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Inliana, Jacob Shomaker, of Perry county, and John Beard, of Dubois county, are hereby appointed commissioners to survey, mark, and locate a state road from Rome, in Perry county, to Jasper in Dubois county, instead of the commissioners who were appointed by the act to which this act is an amendment, and who neglected to discharge the duties required of them by said act. The commissioners herein appointed are authorized to locate the route they may deem most expedient, and upon such day as they agree upon and in all other respects be governed by the act to which this is an amendment.

CHAPTER CLVI.

An Act to authorize James Alexander, former collector of Monroe county, to collect any taxes remaining due and unpaid in said county, for the year or years for which said Alexander was collector.

(APPROVED FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Alexander, former collector of Monroe county, be, and he is hereby authorized to collect any state or county taxes for the year or years in which he was collector, that are yet remaining due and unpaid under the same rules and regulations which he could have done during the time for which he was collector; and if he shall collect any tax or taxes for which he shall have obtained a credit on account of delinquency, he is hereby required to pay such tax or taxes for which he shall have so obtained a credit, into the state or county treasury, in the same manner which it was his duty to have done during the time he was collector, and for any abuse of the authority herein given, he shall be liable to the same

penalties which he would have been for a like abuse of power during the time he was collector.

This act to be in force from and after its passage.

CHAPTER CLVII.

An Act supplemental to an act entitled "an act appropriating the three per cent.
fund among the several counties in this state," passed at the present session of
the General Assembly.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the three per cent. fund appropriated to the county of Gibson, be, and the same is hereby placed in the hands of the board doing county business for said county of Gibson, and shall be by them funded at interest, payable in advance, on sufficient security, by mortgage of real estate under the direction of said board, until the same may be applied to works of internal improvement within, or connected with said county under the power and at the discretion of said board, provided that two hundred dollars of the amount due to said county shall be applied on the state road leading from Owensville to the mouth of Patoka, to be laid out under the direction of said board of said county.

This act to be in force from and after its passage.

CHAPTER CLVIII.

An Act appropriating a portion of the three per cent. fund to Vigo county, to the construction of a bridge therein named,

(APPROVED FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the sum of three hundred dollars be, and the same is hereby appropriated out of any portion of the three per cent. fund hereafter coming to the county of Vigo, to be expended in the construction of a bridge over Brewitt's creek, in the county of Vigo, at the crossing of the same on the state road leading from the National road opposite to Terre Haute in Vigo county, to Clinton in Vermillion county: provided, that the sum above specified shall be appropriated as aforesaid, on conditions that the citizens of said county, or elsewhere shall subscribe and pay a sum in addition thereto sufficient to finish such bridge.

are hereby appointed commissioners, whose duty it shall be to expend the sum hereby appropriated on the terms and under the restrictions of this act.

This act to be in force from and after its passage.

CHAPTER CLIX.

An Act to authorize the commissioners of the reserved township of seminary lands to sell certain lands therein named.

(APPROVED, JANUARY 26, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiaan, That the commissioner of the reserve township of seminary lands in Monroe county, be, and he is hereby authorized to sell unto the trustees of the Secession church in Monroe county, or to any person or persons authorized by the members of said church to purchase the same, any quantity of ground not exceeding five acres, off the section of said lands lying immediately adjacent to the town of Bloomington, commonly called the East section of reserved land, and in any part of the same which may be agreed upon by the commissioner aforesaid, and the trustees or agents of said church: Provided however, That the said commissioners shall not sell said land for a less sum than fifteen dollars per acre: provided further, that said land shall be purchased for the purpose of erecting a church or house of worship thereon.

Sec. 2. The commissioner aforesaid, shall, upon the payment of one fourth the purchase money of said land, execute to said trustees or agents, as aforesaid, a bond for a deed to the same, so soon as the full amount of the purchase money shall be paid; and upon full payment being made, he shall execute a full and sufficient deed to them in fee simple for the same; to execute which said deed full power and authority is hereby given.

SEC. 3. The trustees of the Indiana college shall make a reasonable allowance to the commissioner aforesaid, for his services and expenses, out of the purchase money of said land; which said purchase money shall be, by said commissioner paid over to the treasurer of the Indiana college.

he country of Vigo. to he expend the head and the country of the head on or

Antistant are to orogsago two made of the land or beet been the

one that that I had been such that I have been the training of the training

a sufficient to finish such handles of

much blak in the a spin beg to each at the selection of period of relation being to an

This act to be in force from and after its passage.

CHAPTER CLX.

An act to authorize the change in the location of certain Roads therein mentioned.

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Lowe, John Coones and Thomas Hedrick of the county of Franklin be, and they are hereby authorized and empowered, so to change the location of such roads as now pass through or in the vacinity of [the] plat of the town of Laurel, in said county; and to re-locate all such roads so as to correspond and agree with the streets of said town, according to the recorded plat of said town.

SEC. 2. The said commissioners named in the first section of this act, shall meet at said town of Laurel on the first Monday in May next, or as soon thereafter as may be convenient, and after severally taking an oath to faithfully discharge the duties herein required of them, shall employ a competent surveyor and chain carrier, and proceed to discharge the duties herein required of them. And the said commissioners shall file a plat of such change with the clerk of the county of Franklin, whose duty it shall be to record the same.

SEC. 3. That the board of county commissioners shall pay the said commissioners all reasonable expenses for the proposed change authorized by this act.

This act to be in force from and after its passage.

CHAPTER CLXI.

An act authorizing the funding of the Three per Cent. Fund belonging to the County of Sullivan.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all appropriations of the three per cent. fund which are authorized by the present General Assembly of the State, or hereafter to be made to the county of Sullivan, may be funded at interest, payable in advance, on sufficient security, by mortgage of real estate, or by personal security, under the direction of the board doing county business, until the same may be applied to works of internal improvements within or connected with the interest of said county under the power and at the direction of said board.

CHAPTER CLXII.

An act to locate a State Road in Laporte County.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel Vandolson be, and he is hereby authorized to mark, view and locate a State road, commencing at Lakeport, in the county of Laporte, by way of the town of Rome, on the Michigan road, in said county; thence along said road to or near the tavern of E. Provalt's, thence on the nearest and best ground to intersect the Chicago road at or near the farm of Charles Ives, in the direction of the town of Laporte.

SEC. 2. Be it further enacted, That the State road now travelled from Lakeport to the said Charles Ives' be, and the same is hereby vacated, so soon as the road provided for in the first section of this act shall be

opened and established.

SEC. 3. Be it further enacted, That the board doing county business shall make a reasonable allowance to the said Vandolson, and to such chain carriers, surveyors and axemen as shall be necessarily employed in viewing [and] surveying said road; and said board shall cause a survey and plat of said road to be filed in the clerk's office of said county, and cause the same to be opened and worked upon as other State roads.

This act to be in force from and after its passage.

CHAPTER CLXIII.

An Act to change the name of Mary Ann Elder Glasgo.

(APPROVED JANUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the name of Mary Ann Elder Glasgo, of the county of Rush and State of Indiana, shall be, and the same is hereby changed to Mary Ann Elder Kenton, and by said last mentioned name, she shall have power to contract and be contracted with, and to do all other lawful acts and things.

SEC. 2. Nothing contained in this act shall be so construed as to affect, alter, or annul any contract or act done, suffered or permitted by said Mary Ann Elder while she was known by the name of Glasgo, but the

same shall be taken as if this act had never been passed.

This act to take effect and be in force from and after its publication.

are the form of the second of the first form of the first

CHAPTER CLXIV.

An Act appropriating the portion of the three per cent. fund belonging to Dearborn county.

(APPROVED, FEBRUARY 4, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That of the three per cent. fund now due to the county of Dearborn, the sum of six hundred and fifty dollars be, and the same is hereby appropripriated to the improvement of the big hill, on the west side of James' creek, on the road leading from Lawrenceburgh to Napoleon, to be appropriated under the direction of Abram Ferris of said county. And in the event of a charter now pending, for a turnpike company from Lawrenceburgh to Napoleon, before this Legislature, be granted, then this sum to be considered as so much stock in said company, and the same, with all dividends thereon, to belong to the county of Dearborn, to be disposed of under the direction of the board doing county business, for said county.

SEC. 2. That the sum of six hundred and fifty dollars of said three per cent. falling due as aforesaid to said county of Dearborn, be, and the same is heredy appropriated to the improvement of some of the leading roads, running through the townships of Kelso, Logan and Jackson, under the direction of George Arnold, Andrew Anderson and Merritt Hubble, who

are hereby appointed commissioners for said purpose.

SEC. 3. The sum of three hundred dollars of said three per cent. fund, be, and the same is hereby appropriated to the completion of a bridge across Arnold's creek, at the crossing of the Lawrenceburgh and Madison state road, to be drawn and appropriated under the direction of the commissioners heretofore appointed, for the building of the bridge aforesaid. And the balance of said three per cent. fund, now in the hands of the treasurer, and belonging to the county of Dearborn, be, and the same is hereby appropriated to the Rising Sun and Napoleon turnpike road, to be considered as so much stock in said company, and the same, with all dividends thereon, to belong to the county of Dearborn, to be disposed of under the direction of the board doing county business for said county.

CHAPTER CLXV.

An Act authorizing Paul M'Coon, William Avery and E. F. Call to erect a dam across the Wabash river.

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted, by the General Assembly of the State of Indiana, That Paul M'Coon, William Avery and E. F. Call and Company, their heirs and assigns, be, and they are hereby authorized to erect a mill dam across the Wabash river, at their mill scat thereon near the Falls of the Wabash, south of the town of Huntington, for the purpose of erecting grist and saw mills and other machinery, under the restrictions herein-

after mentioned.

SEC. 2. That said Paul M'Coon, William Avery and E. F. Call and Company, their heirs and assigns, shall not raise said dam so high as to overflow the land of any proprietor, without the consent of such proprietor, unless the said Paul M'Coon, William Avery and F. F. Call and Company shall make application to the Circuit Court of the county of Huntington for a writ of ad quod damnum, and pursue the law in such cases: Provided, That the said Paul M'Coon, William Avery and E. F. Call and Company, the benefits of an act entitled "an act allowing and regulating the writ of ad quod damnum," as if said Wabash river had not been declared a navigable stream.

SEC. 3. The mill which is intended to be propelled by the water raised by the dam contemplated by this act, shall always be subject and liable for the damages that any individual may sustain in navigating the said

Wabash river in consequence of said dam.

SEC. 4. Nothing in this act shall be construed to authorise the persons named in the first section of this act, their associates, heirs or assigns, to obstruct the navigation of the Wabash river, and means of passage for all boats or water craft that could navigate said river, if said dam were not constructed, shall be provided and maintained at the expense of the owners of said dam: Provided also, That nothing herein contained shall, at any time hereafter, prevent the state from diverting the waters from said dam or any machinery connected therewith, or using the water in said river for any public purpose.

This act to be in force from and after its passage.

CHAPTER CLXVI.

An Act to distribute the three per cent. fund belonging to the county of Parke.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That out of the three per cent, fund now on hand, not disposed of, and which will hereafter come to the county of Parke, that the following shall be the distribution of the same; one hundred and eighty dollars of the same shall be applied on the road leading from Rockville to Montezuma. Matthew Noel commissioner; one hundred and eighty dollars to be appropriated on the state road from Rockville to Strain's mills, Zopher Colman commissioner; one hundred and eighty dollars on the Indianapolis state road, between Rockville and the county line, John White commissioner; one hundred and eighty dollars on the Crawfordsville road, between Rockville and the county line, Michael Barnes commissioner; one hundred and eighty dollars between Rockville and the county line, by way of Roseville to Terre Haute, and John M. Doty commissioner, to lay out and expend the said money, and that they shall be and are hereby authorized to receive said sums of money of the commissioners or agents appointed by the commissioners doing county business in and for said county, to receive the same from the treasurer of state.

SEC. 2. That two hundred dollars is appropriated as follows, to each of the named places, for the purpose of building bridges; at Lusk's mills two hundred dollars, Solomon Lusk commissioner; at Strain's mills two hundred dollars, Samuel H. Johnson commissioner; at Roseville two hundred dollars, John Briggs commissioner; at Armiesburgh two hundred dollars, James Hayworth commissioner; this money is to be drawn by the above named persons, whenever the citizens have subscribed at each of these places, an amount which, together, will be sufficient to build good, common, passable bridges, as the agent appointed by the board doing county business for said county shall be, and is hereby authorized to judge of that fact, before he pays over any of the money; and if the same is not subscribed, on the part of the citizens, said money for said bridges is at the disposal of the board doing county business, out of the money on hand; the first drawn as set apart for said roads shall be

the first distributed, then equally as received for said bridges.

SEC. 3. That the board doing county business in and for the county of Parke are hereby authorized and required to subscribe on the part of the county, any amount which they deem necessary, on the part of the county towards the bridges, when they are satisfied, that a liberal sum is subscribed, by the people, and such a one as they believe, with the amount set apart in this act, with the subscription, will complete said bridges.

SEC. 4. That the sum of five hundred dollars is hereby appropriated out of the three per cent. fund, which [is] or may hereafter be due to the county of Montgomery, to improve so much of the state road from Terre Haute via Rockville to Crawfordsville, as lies within said county, and that

county, be, and like we have by approinted wormstalopers to permane the

Thomas Glenn, be, and he is hereby appointed a commissioner to lay out and expend the same.

This act to be in force from and after its passage.

CHAPTER CLXVII.

An Act to authorize Daniel A. Rawlins to sell certain real estate therein named.

(APPROVED, FEBRUARY 3, 1837.)

Wheras, it has been represented to this General Assembly, that Thomas Jenkins, late of Monroe county, deceased, did, by his last will and testament, did, will and bequeath to Daniel A. Rawlins, a minor, (the said Rawlins being his grandson) the north west quarter of section nine, township eleven north, of range one east, lying in the county of Morgan; and whereas, the said Daniel A. Rawlins, owing to his minority, is unable to sell and convey said land, by a good and sufficient deed in fee simple; and whereas it is believed, that said laad will command a fair price, with which said Rawlins can maintain and support himself; therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Daniel A. Rawlins, be, and he is hereby authorized and empowered to sell and transfer the north west quarter of section nine, in township eleven north, of range one east, and that any deed of conveyance so made and acknowledged, according to the laws of the state of Indiana, by said Daniel A. Rawlins, minor as aforesaid, shall be as good and valid in law, to all intents and purposes, as if the said Daniel A. Rawlins, minor as aforesaid, were of lawful age, and that all acts and doings of his, in and about the sale and making a title to said land, shall be, and they are hereby declared to be valid and good in law.

This act to be in force from and after its publication in the "Bloomington Post," a newspaper printed in the town of Bloomington.

the first production by the production of the pr

CHAPTER CLXVIII.

An Act to locate a Bridge, and relocate a part of a certain State Road in the county of Vermillion.

(APPROVED FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Moses Bowman, Matthew Stokes and Thomas Wright of Vermillion county, be, and they are hereby appointed commissioners to permanent-

ly locate a certain bridge across the Big Vermillion river, authorized to be erected under the superintendence and construction of James Thompson, Resin Shelby and Jacob Isle, by an act entitled "an act to appropriate to the several counties in this state, a part of the three per cent. fund,"

approved February 8th, 1836.

SEC. 2. The said commissioners shall, on the first Monday in April next, meet at the town of Eugene, in the county of Vermillion, and shall severally take an oath or affirmation, faithfully and diligently to discharge the duties enjoined upon them by the provisions of this act, and after being sworn as aforesaid, shall proceed to view the different and respective points on Big Vermillion river, at and near Eugene; and after having examined the same, and after taking into consideration the location of roads crossing said stream, at and near Eugene, and also after taking into consideration the convenience of the public, and after taking into consideration the probable expense of erecting said bridge, at the different points named for such location, and also the written propositions of responsible individuals, to give and grant donations to certain points named for such location, and with an eye to the least obstruction, which said bridge, when erected, would offer to the navigation of said stream, shall, and they are hereby authorized to fix upon a situation as the permanent location of said bridge.

SEC. 3. The said commissioners shall, at the same time, after having met and so qualified, proceed to relocate so much of the state road leading from the town of Newport in the county of Vermillion, to the northern boundary of said county, as lies between the store house of Samuel Grovendyke in the town of Eugene and the town of Perrysville in said county, on the following route, to wit: commencing at the store house of the said Samuel Grovendyke, on Main street, in the said town of Eugene, from thence to a point on Big Vermillion river, opposite Main street in the town of Eugene, from thence northwardly with the county road to the south end of Jacob Isle's lane, thence with said lane to the timber land passing north of Haine's and Wolverton's, to the west end of Rudy's lane, thence with said lane to the Perrysville road, thence with said road

to the town of Perrysville.

SEC. 4. The said commissioners are hereby authorized to employ a surveyor, chain carriers and blazer, to enable them to carry into effect the provisions of this act, and after having located said bridge, and relocated that part of the said state road, agreeably to the provisions of this act, they shall make out a correct report of their proceedings, and lay the same before the board of county commissioners of Vermillion county at their next session thereafter, and the said board is hereby required to make such allowances out of their county treasury to the said commissioners and such other persons as were employed by them to aid them in the performance of the duties enjoined upon them by this act, as to the said board may seem just and reasonable.

SEC. 5. The said board of county commissioners is hereby required to cause a record to be made of the report of said road and bridge commissioners in their record book, and order said road opened and relocated the proper width.

SEC. 6. Should the said commissioners or a majority of them fail to meet at the town of Eugene on said first Monday of April 1837, agreeably to the provisions of the second section of this act, they, or a majority of them may, at any time thereafter, and before the first Monday in June 1837, meet in the said town of Eugene, and proceed to discharge the duties assigned them by this act, in the same manner as if they had met on the said first Monday in April, and shall have power to adjourn from day to day.

SEC. 7. All laws and parts of laws, in contravention to this act, be,

and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER CLXIX.

An Act to appropriate a part of the three per cent fund on the Rome and Paoli State Road, in the county of Orange.

[APPROVED, JANUARY 6, 1837.]

That Clement M Donald of the county of Orange, be, and he is hereby appointed commissioner on so much of the Rome and Paoli state road, as lies within the county of Orange; said commissioner is hereby authorized and required to draw two hundred and fifty dollars of the three per cent. fund from William Kethcart, commissioner of the three per cent. fund in and for the county of Orange, and expend said sum to the improvement of the aforesaid road, retaining one dollar and twenty five cents for each day he is employed in the duties assigned him by this act. The said commissioner, before entering upon the duties of commissioner, shall take an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to discharge the duties assigned him by this act, and shall give bond and security, in double the amount of money to be by him expended, said bond to be made payable to the state of Indiana, and to the acceptance of the board doing county business.

This act to take effect and be in force from and after its passage, any

law to the contrary notwithstanding.

the

bine but que pour eld pit to de reigne beithfur sentil pit to entoune

of feringer velocial versions selected to the post forms brake at the con-

-cimmon agond function himself and the Management of the Management

Sure has an usual of the control of the property of the control of

CHAPTER CLXX.

An act to alter the Loundary lines of the Counties of Carroll and White.

(APPROVED FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the following described territory be, and the same is hereby taken from the county of Carroll and incorporated and made a part of the county of White, to wit: all north of section thirty-three, and west of the Tippecanoe river in township six, north of range three west.

SEC. 2. Nothing in this act shall be so construed as to affect the rights

of either county, or any individual thereof.

SEC. 3. That all acts or parts of acts, coming within the purview of this act, be, and the same are hereby repealed.

This act to take effect and be in force from and after its publication.

CHAPTER CLXXI.

An act authorizing the election of an additional Justice of the Peace in Franklin township in Owen County, and in the township of Vienna, in Scott county.

(APPROVED, JANUARY 14, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall the duty of the clerk of the circuit court of Owen county, as soon as practicable after the taking effect of this act to order the election of one additional justice of the peace in Franklin township, in Owen county, who shall reside and hold his office in that part of said township laying on the east side of the west fork of White river.

Sec. 2. That it shall be the duty of the clerk of the circuit court of Scott county, so soon as practicable after the taking effect of this act, to order an election for a justice of the peace, to reside in the town of Vien-

na, in said county of Scott.

SEC. 3. Said elections, when so ordered, shall be held at the usual place of holding elections in said townships, and be conducted in every respect as other township elections.

This act to take effect and be in force from and after its passage.

which have show the wind and a contract the contract of the co

CHAPTER CLXXII.

An act to amend an act to authorize certain persons therein named, to erect a dam across the St. Joseph river, approved Eebruary 6, 1836.

(APPROVED, JANUARY 16, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the act to which this is a supplement, be so amended as to authorize Garret V. Deniston and Joseph Fellows, their heirs, or assigns, or either of them, to erect a dam across the river St. Joseph, at or near the town of South Bend, in St. Joseph county, Indiana; which said dam shall not exceed the height of eight feet perpendicular elevation above low water mark.

SEC. 2. Any act or acts inconsistent with the foregoing provisions are

hereby repealed.

This act to be in force from and after its passage.

CHAPTER CLXXIII.

An act to authorize William McIlvane to build a mill-dam across White river-

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William McIlvane be, and he is hereby authorized to build a mill dam across White river, in the county of Marion, adjoining the south-west quarter of section fifteen, town sixteen range three east.

SEC. 2. The said William McIlvane shall not be allowed to build his said mill-dam exceeding four feet high above low water mark, and shall

make such slopes in the same as may best promote navigation.

SEC. 3. The mill house, and mill to be propelled by the water raised by said dam, shall be subject to the payment of any damages that may be sustained by individuals in consequence of building said dam, whether the same may remain in the hands of the said McIlvane, his heirs, or assigns.

SEC. 4. The said McIlvane shall be entitled to all the benefits of the writ of ad quod damnum to condemn the lands for his use on the opposite bank of White river, where he may wish to build his said mill dam, or

elsewhere to promote the completion of the same.

Sec. 5. Nothing herein contained, shall be so construed as to prevent the State at any time hereafter from diverting the water of said river from the said dam or any machinery connected therewith, and applying the same to any public purpose.

This act to be in force from and after its publication.

CHAPTER CLXXIV.

An act to provide for a Justice of the Peace in West Point, Tippecanoe county.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That a justice of the peace shall be elected within the town of West Point, in Tippecanoe county, by the qualified voters of the township in which the said town may be situate, in the same manner they might or could do if said town was incorporated.

SEC. 2. The board doing county business of Tippecanoe county at their session, or the clerk thereof in vacation, shall cause this act to be carried into effect according to the laws in force providing for the election of justices of the peace, and as in case of vacancy in the office of a

justice of the peace.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXV.

An act to legalize the election of a Probate Judge in Porter County.

(APPROVED, DECEMBER 29, 1837.)

WHEREAS, it has been represented to this General Assembly that the probate judge of Porter county has been elected previous to his having obtained a certificate of qualifications; but the said judge has since the election received the necessary certificate as required by law-Therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the official acts of said judge of probate for said county of Porter, be, to all intents and purposes, valid and bona fide, as fully in every respect as if the said judge of probate had received his certificate of qualification before his election.

This act to take effect and be in force from and after its passage.

by the name of the time of Pertureville, in the century of Porter. In section when is expected to the court of the particular Proceeding Section 1

that each change should not alled on continue hereigned grant are not

and an ide souls but total fails in ad death after what of true

CHAPTER CLXXVI.

An act legalizing the assessment of the revenue in the County of Martin.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the assessment of the revenue in the county of Martin, by the board of county commissioners, and all and singular the acts of said board in and about the said assessment, and collection for the year 1836, be, and the same is hereby legalized, and declared valid as though no change of the board of county commissioners of said county had ever taken place.

This act to be in force from and after its passage.

CHAPTER CLXXVII.

An act for the relief of the Collector of Cass County for 1836.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Job B. Eldridge, collector of Cass county for the year 1836, be, and he is hereby authorized to collect during the year 1837, such remaining portion of State and county revenue as yet remains uncollected, in said county.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXVIII.

An act to change the name of the town of Portersville, in Porter County, to that of Valparaiso;

(APPROVED, JANUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Portersville, in the county of Porter, be, and the same is hereby changed to that of Valparaiso: Provided, however, That such change shall not effect any contract heretofore made, or any public or private rights.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXIX.

An act to provide for a Lock in the Pool Dam near Delphi.

(APPROVED, FEBRUARY 2, 1837)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the Board of Internal Improvements, be, and they are hereby directed to cause to be made in or near the dam, which may be constructed across the Wabash River near Delphi, in Carroll county, for the purpose of continuing the Wabash and Erie Canal across said river, a lock or locks for the purpose of giving free and safe passage to any and all boats or other water crafts which could navigate said Wabash river if said dam were not constructed.

SEC. 2. The said board shall cause the said lock or locks to be constructed either in the bayou through which the Wabash and Eric Canal passes, near said dam or in said dam or they shall erect such other structure or means of passage in or near said dam, as shall best subserve the interest of the state, and preserve free and unobstructed the navigation of said river.

SEC. 3. The said lock or locks or other structure, which may be made for the purpose above mentioned, shall be kept in repair and maintained at the expense of the state, and the said board shall appoint an agent to take charge of said lock or structure and permit a free passage without delay and without charge of all boats or other crafts, navigating said river owned either by citizens of this state or of the United States.

CAST of at least fire divise the notice to

CHAPTER CLXXX.

An Act repealing a part of the act entitled "an act to provide for the removal of obstructions to the navigation of Eel river," approved January 4, 1830.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the act entitled, "An act to provide for the removal of the obstructions to the navigation of Eel river," approved January 4, 1830, as gives the appointment of commissioner to receive and apply the appropriation of money from the three per cent. fund, made by said act, for the improvement of the navigation of Busseron creek to the Treasurer of state, be, and the same is hereby repealed.

SEC. 2. That it shall be the duty of the county commissioners of the county of Sullivan, to district said Busseron creek from Busseron mills to the county line between Sullivan and Knox counties, and to appoint such supervisors and allot such hands for the same as they may deem expedi-

ent; and it shall be the duty of said supervisors, to work upon the same in the manner prescribed by the act for the opening and repairing public roads and highways.

SEC. 3. The supervisor or supervisors appointed for that portion of said creek, as lies between Eaton's mills and its mouth, are hereby required to receive from the commissioners appointed by the Tresurer of State, the balance of the unexpended appropriation remaining in his hands, in such proportion to each as the board of commissioners may direct, and after receiving from the same said funds, to attend to the application and disburstment of the same, in the manner pointed out by the act to provide for the removal of the obstructions to the navigation of Eel river.

This act to take effect and be in force from and after its publication.

son Best either in the bayon through-which the Warsh and Frie Canal CHAPTER CLXXXI.

week it Theread board shall more the said doct or help to be so

An Act to provide for a special session of the Marion circuit court.

(APPROVED JANUARY 9, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the Judges of the Marion circuit court are hereby authorized to hold a special session for the trial of Elisha Knapp now confined in the jail of said county for the crime of Larceny.

SEC. 2. It shall be the duty of the sheriff of said county to fix a day for the commencement of said special session of which he shall give notice to the Judges aforesaid and said prisoner of at least five days; the notice to the prisoner must be in writing.

SEC. 3. It shall be the duty of the clerk to issue venires for a grand and petit Jury, commanding the sheiff to summon the grand and petit Jurors belonging to the regular pannel of the last Marion circuit court, and said sheriff may supply any deficiencies in said panel by talesman if a sufficient number of the regular panel fail to attend or attending shall not serve for any lawful reason whatsoever.

SEC. 4. Said court may adjourn from day to day until said prisoner is tried, appoint an attorney or attorneys to prosecute and defend, and in all things not specially provided for by this act be governed by the provisions of "an act to authorize called sessions of the circuit courts," approved February 12, 1825.

SEC. 5. The sheriff shall file a notice in writing in the clerks office of the time appointed for the trial of said prisoner, which shall be sufficient direction to said clerk for his action.

the county line between Sollivan and Knox of males, and to upport such

This act to take effect and be in force from and after its passage.

CHAPTER CLXXXII.

An act to authorize the Road Commissioner of Fulton county to loan the three per cent. fund of said county.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the road commissioner of the three per cent. fund for the county of Fulton be, and he is hereby authorized to loan out the three per cent. fund now on hand, in said county, until the first day of September next, at a rate of interest not exceeding ten per cent. per annum, should the board of commissioners deem it to the interest of said county to loan said fund, the same to be loaned under the special direction of said board, and upon such security as said board may think best calculated to secure the prompt return of said fund when required. This act to be in force from and after its passage.

CHAPTER CLXXXIII.

An act authorizing the election of Trustees of the Library in Pike county and for other purposes.

(APPROVED, JANUARY 6, 1837.)

WHEREAS, it appears to this General Assembly, that the citizens of Pike county some years ago organized a county library, as by law provided, and that the treasurer thereof loaned all the moneys then belonging to said library by order of the board of trustees, elected at the time of said organization, which moneys so loaned as aforesaid cannot now be recovered in consequence of the trustees never having qualified according to law since the organization aforesaid-Therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the citizens of Pike county be, and they are hereby authorized to elect seven trustees for the library of said county in the manner prescribed in the act, entitled an act for the incorporation of county libraries, approved February 9, 1831.

SEC. 2. The said trustees shall be governed in every respect by the aforesaid act for the incorporation of county libraries, approved February 9, 1831, except that they shall have power to sue for, and collect in their corporate capacity, in any court having competent jurisdiction, all moneys due said library, by loan or otherwise from the treasurer thereof.

CHAPTER CLXXXIV.

An act to legalize the election of a Probate Judge in Fulton county.

(APPROVED JANUARY 18, 1837.)

Whereas it has been represented to this General Assembly that the probate judge of Fulton county was elected previous to his having obtained his certificate of qualifications but that he has since his election procured and received the necessary certificate as required by law—
[Therefore,]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the official acts of said judge of probate for said county of Fulton be, to all intents and purposes valid and bona fide as fully in every respect as if said judge of probate had received his certificate of qualification before his election.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXXV.

An act amendatory of an act, entitled "an act to incorporate the Carlisle School Society."

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the Carlisle school society be, and it is hereby delared a district school, in township six, north of range number nine west, and shall be jointly with other districts, entitled to all the privileges as such, agreeably to the provisions of an act incorporating congressional townships and providing for public schools therein.

SEC. 2. The treasurer of said Congressional township is hereby authorized to pay to the treasurer of said school society a proportionate share of the school fund of said township from the date of the organization of said school as if the same had been originally one of the districts of said township.

This act to take effect and be in force from and after its passage

CHAPTER CLXXXVI.

An act to change the name of Fullerton in Parke county, to Lodi.

(APPROVED JANUARY 26, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Fullerton in the county of Parke be, and the same is hereby altered and changed, and shall hereafter be known and designated by the name of Lodi, which said name of Lodi the recorder of said county is hereby fully authorized and directed to record upon the plat of the town of Fullerton, as recorded in the records of his office, which said name where so recorded shall be taken and recognized as the true and proper name of said town in all cases whatever.

SEC. 2. All deeds of conveyance, bonds, bills, notes or any writing obligatory, given and taken, in which the name of said town forms any substantial or consequential part, and all vested rights shall in no wise be affected or impaired by said change.

This act to be in force from and after its passage.

CHAPTER CLXXXVII.

An act for the relief of Charles Woodward Collector of Jefferson County for the years 1833, 1834 and 1835.

(APPROVED, FEBRUARY 6, 1837.)

Whereas, it is represented to this General Assembly, that Charles Woodward was appointed collector of the State and county revenue in the county of Jefferson and State of Indiana, for the years 1833, 1834 and 1835, and as such collector, he has duly paid over the revenue for the years aforesaid, to the proper officers, a part of which has been paid out of his own private fund, and not yet collected off the persons owing the same—Wherefore,

SEC. 1. Be it enacted, by the General Assembly of the State of Indiana, That the said Charles Woodward shall, and he is hereby empowered to proceed in the collection of taxes due him, for the years 1833, 1834 and 1835, in the county of Jefferson and State of Indiana, in the same manner he could have done during his appointment as collector for the years aforesaid: Provided, The same be collected within two years from and after the first day of January, 1837.

Filler drive all

CHAPTER CLXXXVIII.

An act for the relief of Seth Cushman, former Collector of Sullivan county.

(APPROVED, FEBRUARY 2, 1837.)

Whereas, it is represented to this General Assembly, that Seth Cushman was duly and legally appointed collector for the county of Sullivan for the years 1830, 1832 and 1833, and that the whole of the revenue of said county for those years, was not collected by him; for remedy whereof,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Seth Cushman of the county of Sullivan be, and he is hereby authorized to sue for, recover and collect in any court having competent jurisdiction in this State, all moneys which are due him as collector of the revenue in Sullivan county for the years 1830, 1832 and 1833.

This act to take effect and be in force from and after its passage.

Phis act to be in force from and after its passage.

CHAPTER CLXXXIX.

An Act to authorize the Johnson Circuit court to hold a special session.

(APPROVED DECEMBER 9, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the Judges of the Johnson circuit court, be, and they are hereby authorized to hold a special term of the said court any time in the month of December 1836, as shall be appointed by the sheriff of the county of Johnson for the trial of Mordecai Caldwell and Alexander Caldwell now confined in the jail of said county on a charge of grand larceny.

SEC. 2. It shall be the duty of the sheriff of Johnson county when he shall appoint and fix upon said day for holding the special term of said Johnson circuit court forthwith to give notice to the accused and to the clerk and Judges, and prosecuting attorney of said court; and such special session shall be governed in all respects by the laws relative to the practice in the circuit court, and shall adjourn from day to day until the trials are ended; and the clerks shall issue venires for a grand and petit jury, commanding the sheriff to summon such of the grand and petit jurors belonging to the regular panel of the last Johnson circuit court as may be convenient, and may supply any deficiencies in either of said panels by summoning talesman and said clerk shall also issue subpænas for witnesses both in behalf of the state, and the accused; and the judges, clerks, sheriffs, and other officers concerned shall be governed in all other respects by the provisions of "an act providing for called sessions of the circuit court," approved February 12, 1835.

This act to take effect and be in force from and after its passage.

CHAPTER CXC.

An Act to provide for the establishment of Titles to lots in the town of Meromin Sullivan county.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1 Be it enacted by the General Assembly of the State of Indiana, That it shall shall be duty of all those having claims upon town lots in the town Merom, Sullivan county to make manifest their titles to said town lots, by having the same recorded in the recorder's office of said county, or by presenting to the agent of said county, the nature of said claim, whether legal or equitable on or before the first day of June eighteen hundred and forty one, and it is made the duty of said agent to keep a record of the same.

SEC. 2. All titles that are not so presented, or are not so filed for record in said recorder's office, on or before the first day of June aforesaid, are hereby declared null and void, and the title to the same are vested in the county of Sullivan as if the same had been originally deeded or donated to said county and it is made the duty of the agent for said county to proceed to register and sell the same in manner and form as is pointed out by the act entitled "an act to establish seats of justice in new counties.

This act to take effect and be in force from and after its publication.

vacance and the same CHAPTER CXCL and and gold on a gold of gold on a gold of gold on a gold on

sufe keeping of the fire engine, which has been preceded at the joint expense of the state and the corporation, a hose roof, and the hose belong

An Act for the relief of Zachariah Nicholson.

approved, feeruary 6, 1837.)

Whereas judgment was rendered in the Orange county circuit court at the March term 1836, against Zachariah Nicholson and forfeiture of recognizances as security for Henry Nicholson which judgment has been paid by said Zachariah Nicholson, and whereas Noah Noble governor of the state of Indiana, did, on the 21st. day of January 1837, remit unto said Zachariah Nicholson the sum of one hundred and seventy five dollars for said forfeiture, therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the office having collected the same or if by him paid over to the trustees of the Orange county seminary or such other person as may have the same in charge to refund and pay over to the said Zachariah Nicholson the sum of one hundred and seventy five dollars.

CHAPTER CXCII.

An Act attaching the county of Newton to the county of Porter for judicial purposes.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter the county of Newton shall be attached to the county of Porter for judicial purposes.

This act to take effect and be in force from and after its passage.

bessel of bassa him to web odt about 11 bas one effet has become

CHAPTER CXCIII.

and to be An Act to preserve the Fire engine at Indianapolis.

of Vindon bins to line of the land of the or the land of the land

SEC. 1. Be it enacted by the General Assembly of the State of Indiana? That the Treasurer of State, be, and he is hereby authorized to contract during the ensuing summer for the building of a suitable house for the safe keeping of the Fire engine, which has been procured at the joint expense of the state and the corporation, a hose reel, and the hose belonging to the same; the said building to contain a convenient room for the drying and oiling the hose after use, and for the use of the fire company and hose, the company having charge of the same, upon such plan as may, in the opinion of said treasurer, be best adapted to effect the object intended.

SEC. 2. The treasurer shall also pay upon the warrant of the auditor of public accounts one half of the expense of a hose reel, Provided, the

corporation of Indianapolis pays the other half.

SEC. 3. The amount necessary to construct said building, and actually paid for building the same shall be reported to the auditor who shall audit one half the amount, the corporation paying the other half and the treasurer shall pay the same out of any monies received for the sale of lots in Indianapolis after applying the proceeds of the sale of the present house, which sale the treasurer is authorized to make, and report the amount received for said house, to the auditor as in case of other receipts into the treasury, Provided, That the additional expense to that state shall not exceed two hundred dollars.

This act to take effect and be in force from and after its passage,

CHAPTER CXCIV.

An Act to appropriate part of the three per cent. fund, for the purpose therein named.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana; That fifteen hundred dollars of the three per cent. fund, which has been or may be allowed to Grant county, be and the same is hereby appropriated for the purpose of erecting a bridge across the Mississinawa river, near Marion, in Grant county; which said sum of money shall be taken out of the first money of the three per cent. fund belonging to the county of Grant-

SEC. 2. And be it further enacted, That William Massey, Moses Bond and John James, be, and they are hereby appointed commissioners to superintend the construction of said bridge contemplated in this act, Provided, the said commissioners, before entering upon the duties confided to them, shall give bond, with satisfactory security, to the county commissioners of of Grant [county,] for the faithful disbursement of the money for the above object, and said commissioners shall receive the money hereby appropriated, or any part of it, from the commissioner appointed to receive the three per cent. fund belonging to said county, to be paid over by him to them, in preference of any other appropriation.

SEC. 3. Provided, however, That should a majority of the qualified voters of Grant county remonstrate against the appropriation mentioned in this act, then this act shall not be in force, but said money shall be used

as otherwise provided for by law.

This act to take effect and be in force from and after its passage.

CHAPTER CXCV.

An Act to provide for a special session of the Vermillion Circuit Court.

(APPROVED DECEMBER, 9, 1836.)

Whereas there is confined in the jail of Parke county two prisoners, Adonijah Roberts and David Young charged with an assault and battery with intent to kill one Craton Bennett, in the county of Vermillion in said state, and occasioning great expense to said county of Vermillion for remedy whereof.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana; That the judges of the Vermillion circuit court are hereby authorized to hold a special session of said court for the trial of said prisoners now conformal in the initial court for the trial of said prisoners now conformal in the initial session of Parks.

fined in the jail of said county of Parke.

SEC. 2. It shall be the duty of the sheriff of the county of Vermillion to fix a day for the commencement of said special session of which he shall give each of the associate judges of the said county of Vermillion, the presiding judge of said court, the Prosecuting attorney of said circuit, and each of the prisoners that is in the said jail of Parke county at least five days notice; the notice to the prisoners must be in writing, Provided, that said prisoners are ready for trial.

SEC. 3. It shall be the duty of the clerk of the Vermillion circuit court to issue venires for a grand and petit jury, commanding the sheriff to summons such of the grand and petit jurors belonging to the regular panel of the last Vermillion circuit court as may be convenient, and said sheriff may supply any deficiencies in said panel by talesman &c.

SEC. 4. Said court may adjourn from day to day until said prisoners are tried and shall in all things not specially provided for by this act be governed by the provisions of "an act to authorize called sessions of the circuit courts," approved, February 12, 1835.

shall give bond, with salishetory security, to the county commissioners of

of Grast [county,] for the faithful disburscement of the money for the above

object, and said commissioners shall receive the money hereby appropria-

ted, or any part of il, from the commissioner appointed to receive the flaree

This act to take effect and be in force from and after its passage.

CHAPTER CXCVI.

An Act to legalize the proceedings of the Board of commissioners of Warrick county, at their January term 1837.

(APPROVED, FEBRUARY 8, 1837.)

Whereas it appears that a quorum of the commissioners of Warrick county, did not agreeably to law meet at the county seat in said county on the first Monday in January 1837, to transact county business; and that the one commissioner who appeared adjourned the court over to the Thursday following, at which last mentioned time a quorum appeared and proceeded to business, therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all the proceedings of said board, both as to the adjournment and proceedings thereafter, be, and the same is hereby declared legal and valid to all interests and purposes, as if the said proceedings had been done on the first Monday in January 1837.

e with intended kill one that on Bennett, in the country of the confidence

uned in the jait of said county of Parker

cate, and seco-tourne great expense to said expert is bermitten

the radices of the Averaginas chieffed beautiful and being a strip to contract to

in special coxton of said court for the trial of said outcomers now con-

The st education has smit to encount descently of the State of historial

This act to be in force from and after its passage.

CHAPTER CXCVII.

An Act authorizing the cutting of a race from the head of the Kankakee into the St Joseph river.

(APPROVED, JANUARY 30, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William McCartney, senr., Franklin W. Hunt, Daniel Dayton, Abner Morse, and Elisha Egbert, be and they are hereby authorized to cut a race of such width as they may think proper, commencing at or near the north west side of the Kankakee pond, so as not to divert any of the waters of the Kankakee, that naturally flow into the Illinois river down said Kankakee that lies west of the town of South Bend, in such manner that the race shall not extend beyond the southern limits of said pond, in St. Joseph county, Indiana, thence running on the western side of the Kankakee marsh, so as not to injure the hydraulic privileges of any other person or persons, and terminating at or near the town of Portage in said county.

SEC. 2. The above named persons, their heirs and assigns forever shall have the sole and exclusive use and benefit of the waters conveyed by said race to be applied to manufacturing and other purposes.

SEC. 3. Any relinquishments of land over which the said race may pass, made in writing to the above named persons, by the owners thereof, shall be binding in law and equity by a record thereof being made in the recorder's office of said county within twelve months thereafter.

SEC. 4. The aforesaid work shall be commenced within two years from the passage of this act, and be completed within four years from said time.

SEC. 5. If the said work should in its progress injure or damage the property or privileges of any person or persons whatsoever, or if after the completion of said race, it shall in its operation injure or damage the property or privileges of any person or persons by the draining of water or otherwise, the circuit court of St Joseph county is hereby authorized and empowered upon proper bill filed, to grant jurisdiction staying the further progress of said work should the same not then be finished, and if finished and in operation, then an injunction ordering said race to be closed up, or such other order as the said court may think proper to make.

SEC. 6. And that in no event shall they be allowed damage for any injury to said race by the passage across the same of any canal, rail or turn-pike road constructed by the State, or for the diversion of the water therefrom if required for the public use, and also that the state shall only pay for such portions of the work as shall be applied for the use of the State.

SEC. 7. It shall be the duty of said above named McCartney, Hunt, Dayton, Morse and Egbert, their heirs and assigns, whenever or whereever any state or county road now established, or that may hereafter be established, shall cross the said race, to make and keep in repair good and

sufficient bridges, so that the free use of any state or county road shall not be obstructed. And should they fail to keep up said bridges they shall be fined for every day the same may be neglected, the sum of three dollars to be recovered before any justice of the peace of the proper county upon the information of any person.

This act to be in force from and after its passage.

CHAPTER CXCVIII.

An Act to legalize the deed of donation made by Peter C. Van Slyke to the town of Bloomfield and for other purposes.

(APPROVED FEBRUARY 3, 1837.)

Whereas it has been represented to this General Assembly, that the deed of conveyance made by Peter C. Van Slyke and Margaret his wife, as a donation to the county of Greene, for the town of Bloomfield the county seat thereof is wanting in the necessary attestation of subscribing witness. Therefore:

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the deed of conveyance made by Peter C. Van Slyke and Margaret his wife, on the twenty-second day of April, eighteen hundred and twenty four, to the county of Greene, for the town of Bloomfield, the county seat of said county, be and the same is hereby legalized and held to be as valid in law or equity, as though the same had been duly subscribed and attested by the necessary subscribing witnesses.

SEC. 2. Be it also further enacted, That sixty-six feet off of the east side of said town of B!:somfield, as by the original survey and record of the plat of said town appears, be and the same is hereby vacated, and also that there be added to the west side of said town a similar complement of sixty six feet, leaving however on the east and west sides of said town alleys of sixteen feet wide.

SEC. 3. The plat of said town as recorded shall be taken and held to include the said sixty-six feet hereby added to the west side of said town as fully and as amply to all intents and purposes as though the same had been originally embraced in said plat and survey.

SEC. 4. That this act shall be in force from and after its passage, and publication in the "Olive Branch," and shall be deemed and taken to be a public act and shall be construed favorably for every beneficial purpose.

CHAPTER CXCIX.

An Act supplemental to "an act to authorize agent of the State of Indiana, to make a deed to a certain lot of land adjoining Indianapolis called the brick yard lot No. 3, but which should be lot No. 1, to Wilks Reagan," Approved February 8th, 1836.

(APPROVED JANUARY 21, 1837.)

Whereas it was the intention of said act that the agent of the State of Indiana, should make a deed in fee simple for the lot of land which Matthias R. Noland originally held by certificate from the state of Indiana, which was known by its number one instead of said number three, which latter number was inserted in said law, by mistake to Wilks Reagan aforesaid for the benefit of his various grantees and those who hold under him or them.

AND WHEREAS, the said Wilks Reagan has gone to parts unknown without obtaining said deed from the State; Therefore:

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the present holders of the said brick yard, lot No. 1, in parcels, and each of them, by title derived from the said Wilks Reagan, or those who claim under him, may apply to the person acting as agent of the State at any time for a deed or deeds for their respective shares in said lot, which the said agent is required to make on the same being demanded, which shall transfer the title to said lot as fully as if the deeds had been regularly made, according to the provisions of the said act to which this is a supplement.

This act to take effect and be in force from and after its passage.

CHAPTER CC.

An Act to regulate the practice of law in suits instituted for the relief of certain persons injured by the destruction of the docket and papers of Isaac Wilcox, a justice of the peace.

(APPROVED, FEBRUARY 6, 1837.)

WHEREAS it has been represented to this General Assembly that the docket books and papers of Isaac Wilcox, an acting justice of the (peace) of the county of Hendricks, have been destroyed by fire, and difficulties have arisen in making proof of such record and documents; Therefore:

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That in all cases where suit has or may hereafter be brought on any judgment rendered by said justice, the record of which has been destroyed,

either in an action of debt or by scire facias, it shall be lawful for the defendant or defendants to deny the fact of such burning by a proper statement of his defence, and the same shall he determined by the justice or jury trying the same, as other statements of defence are tried, and if the fact of the destruction of the record be clearly proved it shall not be necessary to prove the precise date of the same or of the judgment, interest or cost, the record of which shall have been so destroyed as aforesaid, but the justice or jury trying the same, shall bring in their verdict for such sums as shall be proved including interests and costs.

SEC. 2. That in all such actions founded upon any paper, note or record destroyed as aforesaid, the said justice shall be a competent witness, and from any judgment rendered under the provisions of this act, an appeal may be taken to the circuit court, subject to the same provisions as provided in other cases, and such circuit court shall upon the trial of such causes be governed by the provisions of this act.

This act to take effect and be in force from and after its passage.

CHAPTER CCI.

An Act authorising Richard M. Kirk to raise his Mill Dam three feet higher.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Richard M. Kirk, of the county of Gibson, be and he is hereby authorized to raise his mill dam across the Patoka creek in said county, three feet higher than it now is, Provided, That this act shall not be so construed as to admit said Kirk to raise his dam as aforesaid, over said creek without providing a suitable slope or lock in said dam, so as not to injure the navigation of said stream.

SEC. 2. When any person may feel themselves aggrieved by the mill dam so raised as aforesaid by the said Kirk, and shall not have received adequate compensation for the damages done him her or them, by the raising of said dam, it shall be lawful for him her or them, to institute any proceedings warranted by the fourth section of the act allowing and regulating the writ of ad quod damnum, "approved Dec. 20, 1823."

SEC. 3. And should said Kirk neglect, fail, or refuse to pay the damages assessed to the proper persons entitled thereto, with the costs of the inquests aforesaid, then it shall be lawful for the person or persons in whose favor any such damage may be awarded, to have execution thereof by scire facias against the said Kirk, in the same manner, and not otherwise, as if the said return was a verdict at law; or the said person or persons so found to be damaged, may three months after said return, lawfully enter in and upon the premises, and abate the additional height of said dam of the said Kirk. This act to be in force from and after its passage.

CHAPTER CCII.

An Act to authorize certain persons therein named to erect a dam across the east fork of White River, in Lawrence county.

(APPROVED, FEBURARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That Sheward P. Moore of Putnam county, Indiana, and Josiah Lawrence of the city of Cincinnati, in the state of Ohio, be, and they are hereby authorized to erect a wing dam across the east fork of White River, at or near the mouth of Fishing Creek, on section 27, in town 4, north, of range I, east, in the county of Lawrence, which dam shall not exceed three feet of perpendicular elevation, and that the said dam be built and erected in such a manner as that the same shall not impede the downward passage of rafts, nor of such water craft as is used on said river, nor the passage of fish, Provided, That the passway for said water craft shall not be less than forty feet in width, and shall be at least one foot below the mean height of said dam, with a sufficient apron or slope to secure the easy and safe navigation aforesaid.

SEC. 2. That if the said Sheward P. Moore, and Josiah Lawrence, shall construct said dam in any other manner than is provided in this act. whereby any boat, raft or craft, in attempting to pass said dam shall be lost, or in any wise injured or detained, they shall be liable to the owner or owners of said boat, raft, or craft in double or treble damages at the discretion of the jury trying the same, to be recovered before any court

having competent jurisdiction thereof.

SEC. 3. If the said dam shall be so injured by flood, the caving in of the banks, or any other unavoidable cause, so as to interrupt the easy and safe navigation of watercraft &c., as is above provided, it shall be the duty of the said Moore and Lawrence to have the injury so done immediately repaired, and such repairing shall in no instance exceed the period of ninety days, and a failure to do so shall operate as a forfeiture of the privileges granted by this act, and any person or persons may sue out of the Lawrence circuit court, a scire facias against the said Moore and Lawrence, setting forth such refusal and neglect, and if upon the trial of the matters set forth in such scire facias, the same shall be found against the said Moore and Lawrence, the said court shall render judgment thereon, that the privilege hereby granted be forfeited, and shall moreover order that said dam be abated by the sheriff, in the same manner that other nuisances are abated, and such scire facias, or any other process which may issue under the provisions of this act, may in case the said Moore and Lawrence cannot be found, or either of them, be served upon any agent or manager, or other person in the employ of the said Moore and Lawrence about the said dam, or business of the said Moore and Lawrence thereto attached; and such service upon such agent, manager or other person in the employ of the said Moore and Lawrence as aforesaid, shall be taken and deemed to be service upon the said Meore and

awrence, of such process, and the same proceedings shall be had to udgment and execution, as though the process had been served upon the said Moore and Lawrence or either of them personally, Provided, That where the boat, raft, or craft, of any person or persons shall be injured in attempting to pass said dam in such manner as that the owner or owners thereof shall be entitled to an action of damages in consequence thereof the service of process may be had in such manner as is provided in this section, and when process shall be served upon the agent, manager, or other person in the employ of said Moore and Lawrence, the said agent, manager or other person shall be entitled to set up the same matters of defence in favor of the said Moore and Lawrence, as they or either of them might do, had process been served upon them or either of them personally, Provided also, That when the injury occasioned to said dam, by flood, the caving in of the banks, or any other unavoidable cause, as aforesaid, shall not be so removed in ninety days, so as to afford easy and safe navigation to any boat, raft or craft, passing down the said river, the said Moore and Lawrence shall be liable to the owner or owners thereof in double damages for the detention of said boat, raft or craft, to be recovered before any court having competent jurisdiction thereof.

SEC. 4. If after the erection of said dam, the said Moore and Lawrence shall sell or dispose of the same and the privileges thereunto appertaining to any other person or persons, the said person or persons purchasing the same, shall in every particular, be governed by the conditions

of this act.

This act to take effect and be in force from and after its passage.

CHAPTER CCIII.

AnAct authorizing the widow and guardian of the infant children of Edward Ellett jr., late of Monroe county, to sell and convey certain real estate.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Hannah Ellett, widow and the guardian, heretofore or hereafter to be appointed,) of Mary Ann Ellett, Eleanor Ellett, and James Edward Ellett, heirs of Edward Ellett, jr., deceased, be, and they are hereby authorized and impowered to sell at private sale or otherwise, the Northeast quarter of section ten, in township number nine north, of range two west, and so much of the northwest quarter adjoining thereto which legally and equitably belonged to said deceased at the time of his death.

SEC. 2. After they shall make said sale, the proceedings of the said widow and guardian, shall be reported by them to the Probate court of Monroe county, which, if approved by said court shall be entered of record in the order book of said Probate court, and then it shall be lawful for said guardian and widow to convey to the purchaser or purchasers, by

deed or deeds, all the right, title, interest and claim of said widow and heirs forever, in and to the land so sold as herein provided for.

This act shall be in force and take effect from and after its passage

CHAPTER CCIV.

An Act to authorize the election of justices of the peace in the towns of New Amsterdam, in the county of Harrison, and Georgetown, in the county of Floyd.

[APPROVED, JANUARY 21, 1837.]

SEC. 1. Be it enacted the General Assembly of the State of Indiana, That the boards doing connty business for the counties of Harrison and Floyd, be, and they are hereby authorized at the March term of said boards, eighteen hundred and thirty-seven, or at any term of said boards thereafter, in their respective counties, to order a justice of the peace to be elected in the town of New Amsterdam, in said county of Harrison, and one justice of the peace in the town of Georgetown, in the county of Floyd, in the same manner they might have done or could do if said towns were incorporated, and said justices ween elected shall have all the powers and perform all the duties of justices of the peace for said counties of Harrison and Floyd, respectively: Provided, Said boards shall be of opinion that such additional justices are necessary, any law in force to the contrary notwithstanding.

This act to take effect and be in force from and after its passage.

CHAPTER CCV.

An Act to appropriate part of the three per cent. fund in the county of Eartholomew.

(APPROVED, FEBRUARY 3, 1837)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Hanse Irvin, of the county of Bartholomew, be, and he is hereby appointed a commissioner to expend three hundred dollars of the three per cent. fund belonging to the county of Bartholomew, in the following manner, to-wit: One hundred dollars to build a bridge across a bayou, north of Simm's ferry, near Flat Rock; one hundred dollars to build a bridge north of Benjamin Irvin's and in his lane; and one hundred dollars to build a bridge north and near James Mars', all on the state road leading from Indianapolis and Madison.

SEC. 2. The said Hanse Irvin, commissioner as aforesaid, is hereby authorized to draw the sum mentioned in the first section of this act, from John F. Jones, commissioner of the three per cent. fund for the county of Bartholomew, and before entering upon the duties required of him by this act, he shall take an oath or affirmation before some person legally authorized to administer oaths, for his faithful performance of the duties herein required of him, and the board of county commissioners of Bartholomew County is hereby required to allow said commissioner such compensation out of the three per cent. fund as to them shall appear reasonable and just for his services.

This act to take effect and be in force from and after its passage.

CHAPTER CCVI.

An Act to authorize Samuel Colman of Fountain county to sell certain lots in the town of Attica, and also to make certain conveyances of lots now sold.

(APPROVED FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That Samuel Colman, of Fountain county, be, and he is hereby appointed a commissioner with full power and authority to sell and convey any interest which Ormsby Green, at the time of his death may have had to any lot or lots in the town of Attica, or any addition thereof, and all sales and conveyances so made by said commissioner shall be valid in law and equity, and vest in the purchaser full and perfect title to the lot or lots so purchased.

SEC. 2. That before the said commissioner enter upon the duties of his office, he shall give bond and security to be approved by the clerk of Fountain county in such sum as the clerk may deem sufficient to secure the rights of the heirs, to well and duly perform the duties of said office, and pay over all monies coming into his hands as such commissioner to the heirs of said Green or their guardians, within three months from the reception of the same.

SEC. 3. That so soon as full payment is made for any lot or lots sold by said Green, in his life time, in said town of Attica, said Colman shall be vested with full power and authority to convey the same as fully as the said Green, in his lifetime could have done.

This act to be in force from and after its passage.

CHAPTER CCVII.

An act to authorize a change of venue in certain cases therein named.

(APPROVED, FEBRUARY 6, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the circuit court of the county of Vanderburgh be, and the same is hereby authorized and directed to change the venue in a certain case now pending in said court, wherein the State of Indiana is plaintiff and Thomas Waid is defendant, in a charge of having committed an assault and battery, with intent to commit murder; the venue to be changed from the said county of Vanderburgh to the circuit court of the county of Posey: Provided, The expense of the said trial be borne by the said county of Vanderburgh.

SEC. 2. That the circuit court of the county of Miami be, and the same is hereby authorized and directed to change the venue in the several certain cases now pending in said county, wherein the State of Indiana is plaintiff, and Isaac H. Wheeler, Vincent Hooton and Henry King are defendants, in a charge of robbery; the venue to be changed from the circuit court of the county of Miami, to the circuit court of the county of Wabash.

SEC. 3. That if the above named persons shall not apply for the change of venue as above directed, at the next term of their respective circuit courts, then and in that case, such change shall not be made as above directed, but the persons refusing or neglecting to make application as aforesaid, shall be tried in the county in which they now stand indicted, as though this act had not been passed.

SEC. 4. On such change of venue being made, the circuit courts of the counties to which the same shall have respectively been taken, shall have the same jurisdiction to try said causes as if the supposed offences in said indictments mentioned, or with which the said defendants stand respectively charged, had been committed by the said defendants respectively, in the county to which the said change of venue may be respectively taken, and also full power and authority to summon and recognize witnesses and to do and perform all other things proper and necessary for the trial of said causes.

SEC. 5. That the papers in said causes shall be forwarded by the respective clerks of the said courts of Vanderburgh and Miami, the first to the clerk of the circuit court of the county of Posey, and the second to the clerk of the circuit court of the county of Wabash; after the change of venue shall be taken, in the same manner and under the same regulations as are prescribed in the act entitled "an act prescribing the mode of changing the venue," approved January 28, 1834.

CHAPTER CCVIII.

An act for the formation of School Districts in Shelby and Marion Counties.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the south half of section thirty-two, and the south-east quarter of section thirty-one, in township thirteen, north of range seven east, and the north half of section five, and the north-east quarter of section six, in township twelve, north of range seven east, in Shelby county; and the west half of section four, and all of sections five and six, in township fifteen, north of range three east; and sections thirty-one, thirty-two, and the west half of section thirty-three, in township sixteen, north of range three east, in Marion county, be, and the same are hereby respectively formed into school districts. And the said districts hereby formed, shall be entitled to the same privileges, and immunities and benefits, which to all other school districts belong or in any wise appertain, and to be governed in all respects by the same general laws on that subject, which may now or hereafter be in force, except as hereinafter provided.

SEC. 2. The district trustees of said school districts shall, when making an enumeration of the number of inhabitants entitled to vote, the quantity of land held by each voter, with the number of children in each family, as now provided by the general law on that subject, make out a list of such enumeration for that part of each Congressional township in said district, and return the same to the clerk of that Congressional town-

ship to which such part may belong.

SEC. 3. It shall be the duty of the teachers employed in each of the districts hereby formed, to keep a list of the days sent to school by each employer, in such manner as to show the number of employers, and the days sent from each part of the Congressional townships hereby constituted part of said districts respectively belongs shall, upon the presentation of such school districts, and the township treasurer of the township to which such list verified by the oath or affirmation of such teacher, pay to each employer in person, or upon order, his or her proportion of the funds of said Congressional township, in the same manner as if such part of said township had not been thus constituted into school districts.

This act to take effect and be in force from and after its passage.

CHAPTER CCIX.

An Act to authorize the Vermillion Circuit Court to change the venue in a certain case therein named.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the circuit court of the county of Vermillion be, and the same is hereby authorized and required to change the venue in a certain case now pending and undetermined in said court, wherein the State of Indiana is plaintiff, and William Turner is defendant, on an indictment either to the circuit court of Parke county, Warren county or the circuit court of Fountain county, at the election of the said defendant: Provided, The application be personally made by said William Turner, to the circuit court of Vermillion county, at the next March term thereof, for said change and not otherwise.

SEC. 2. On said change of venue being taken, the circuit court to which the same is taken, shall have the same jurisdiction to try the said cause as if the supposed offence in said indictment mentioned had been committed by said defendant in the county to which said change of venue may be taken; and also full power and authority to summon and recognize witnesses, and to do and perform all other things necessary and pro-

per for the trial of said cause.

SEC. 3. The papers in said cause shall be forwarded by the clerk of the Vermillion circuit court to the clerk of the circuit court to which said change of venue may be taken, after the same shall be taken in the same manner and under the same regulations as are prescribed in an act, entitled "an act prescribing the mode of changing the venue," approved January 28, 1834.

This act to be deemed a public act, and to be in force from and after

its publication in the Indiana Democrat.

CHAPTER CCX.

An Act appropriating a part of the three per cent. fund in the counties therein named and for other purposes.

(APPROVED, FEBRUARY 8, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the sum of five hundred dollars is hereby appropriated out of that part of the three per cent. fund which may fall due to the county of Harrison, during the year 1837, for the purpose of building a bridge over Knobb creek, where the state road from Maukport, via Livonia and Elizabeth to New Albany, crosses the same; and that the like sum be also appropriated out of the said fund, which may become due to Floyd county for said year, which shall be applied towards the erection of a bridge over Middle creek, where the said road crosses the same.

SEC. 2. That Joshua Farnsley, Henry Friedley and Thomas Beard of the said county of Harrison, be, and they are hereby appointed commissioners to re-locate so much of the above named road as lies between

Elizabeth and the Floyd county line.

SEC. 3. That the said Joshua Farnsley, is hereby appointed a commissioner to superintend the building of the said bridge across Knox Creek; and Thomas Senex of Floyd County is appointed a Commissioner to superintend the erection of the bridge over Middle Creek; and the said Farnsley and Senex are hereby authorised and directed to apply to the persons in whose hands the three per cent. fund for said counties may be, and draw from them respectively, the sums of money above appropriated, giving to such persons receipts for the same, which shall operate as a sufficient voucher therefor, to the persons taking the same.

SEC. 4. That so soon as the said Farnsley and Senex shall have received the said sums of money, they shall severally proceed to construct said bridges on the best plan to insure durability, keeping in view economy. They shall respectively keep a detailed and accurate account of the money by them expended, on said work with the manner and for what the sum has been expended which they shall carefully enter in a book to be kept by them for that purpose, and when the said bridges shall have been completed, they shall severally make report of the same to the boards doing county business, respectively in their counties, for their inspection and approval, of which they shall cause an entry to be made in the minutes of their proceedings.

SEC. 5. Should the said Farnsley and Senex or either of them decline the acceptance of said appointments, or having accepted, should die, resign, or become otherwise disqualified, or unable to act, the said boards doing county business for the said counties of Harrison and Floyd, shall appoint suitable persons to fill their places, who shall be governed and have the same power to act as herein provided, and the said boards are hereby authorized to allow to such commissioners, such compensation for their services herein, as they may deem just and reasonable, to be paid out of the county tresuries of the counties aforesaid, respectively.

SEC. 6. That in selecting the most suitable site for the bridge across Middle creek, the said Thomas Senex, if found necessary, is hereby authorized to re-locate so much of the above named road, as lies within the county of Floyd as may be required to make the same conform to the lo-

cation of said bridge.

SEC. 7. That the sum of five hundred dollars of said three per cent. fund which may become due to said county of Floyd, for the year 1837, is hereby appropriated for the purpose of improving that part of the state road from New Albany to Jasper, lying between New Albany and the summit of the knobs, and that the further sum of three hundred dollars out of said fund due said county for the year aforesaid, is hereby appropriated for he purpose of improving that part of the state road from New Albany to Charlestown, lying within the said county of Floyd, and that Jesse Oatman, and Owen H. Field are hereby appointed commissioners to draw and expend the said sums of money upon said roads respectively, who shall severally, in the performance of their duties be governed, and shall be subject to the same liabilities and restrictions as are herein before provided.

This act to take effect and be in force from and after its passage.

CHAPTER CCXI.

An Act to change the name of Jamestown, in Henry county, to that of New Lisbon.

(APPROVED FEBRUARY 2, 1837.)

SEC. I. Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Jamestown in the county of Henry, bc, and the same is hereby changed to that of New Lisbon: Provided however. That such change shall not affect any contracts heretofore made or any private or public rights.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXII.

An Act legalizing the proceedings of the trustees of the Presbyterian church in Greensburgh in Decatur county.

(APPROVED FEBRUARY 2, 1837.)

Whereas the Presbyterian church in the town of Greensburgh in Decatur county, agreeably to the provisions of an act of the General Assembly of the State of Indiana, approved the 10th of February, 183!, entitled "an act for the appointment of trustees to receive deeds for lots or lands, given or purchased for the use of schools, meeting houses or masonic lodges," elected their trustees in the year 1834, and since that time have failed to elect annually, as required by said act, and the said trustees, so elected, have continued, and do still continue to act as trustees of said church; and whereas doubts exist as to the legality of their acts: There-

Be it enacted by the General Assembly of the State of Indiana, That all the acts of said trustees since their election in 1834, and until their successors are elected, be, and they are hereby legalized.

CHAPTER CCXIII.

An Act for the relief of David Milburn and others.

(APPROVED FEBRUAYR 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That David Milburn, John Milburn, Shadrach Duncan, Daniel McPhitridge, Abraham Field, and Smith Miller, all of the county of Gibson, and at present residing in township one, south of range ten, west, shall be, and they hereby attached to the congressional township lying immediately west of, and adjoining that in which they now reside, and shall enjoy all the rights privileges and immunities, which they might or could enjoy if they resided in said last named congressional township; with the right to transfer to the school fund of said township, the proportion of funds coming to them out of the school fund of said first mentioned township.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCXIV.

An Act to legalize the proceedings of the Probate court of Dearborn county.

(APPROVED, FEBRUARY 4, 1837.)

Whereas doubts are entertained as to the location of the seat of justice of Dearborn county: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That the proceedings of the probate court of Dearborn county, in the years 1835 and 6, as it respects its sessions at Lawrenceburgh, be, and the same are hereby confirmed.

CHAPTER CCXV.

An Act to repeal an act relative to county orders in the county of Parke, Approved Feb. 6, 1836.

(APPROVED, FEBRUARY 4, 1837.)

Be it enacted by the General Assembly of the State of Indiana, That an act passed at the last session of the Legislature, entitled, "an act relative to county orders in Parke county, be, and the same is hereby repealed, except so much of said act as is contained in the fourth, fifth, sixth, seventh, and eight sections: Provided however, That in no event shall the collector, be authorized to pay over to the Treasurer of said county any money, except such as he may have actually received in payment of county tax, of which he shall answer in official capacity.

This act to take effect and be in force from and after its passage.

CHAPTER CCXVI.

A Bill [An Act] to confirm the re-survey of the town of Attica in Fountain county.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the re-survey of the town of Attica made by Uriah Biggs, in the year A. D. 1836, be taken as the true survey of said town, the plat of which as recorded in the recorder's office in the county of Fountain, shall have the same force and effect as if the old survey had not been made, and the said re-survey shall be deemed as the only proper and legal survey of said town.

This act to be in force from and after its passage.

CHAPTER CCXVII.

An Act to change the time of holding elections for the purpose of electing township officers in the county of Warrick.

(APPROVED, JANUARY 30, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the 20th section of an act entitled "an act to regulate the mode of doing county business in the several counties in this state," approved January 19th, 1831, as causes the election to be holden on the first Monday of April annually, be, and the same is hereby repealed, so far as concerns the county of Warrick, and that the elections for electing township officers, in the county of Warrick, be heretofore holden in the different townships, at the usual place of holding elections on the last Saturday of March annually.

SEC. 2. This act to be in force and take effect from and after its pas-

sige.

CHAPTER CCXVIII.

An Act to legalize the appointment of an assessor for the county of Vigo, and to authorize the board doing county business of said county, to hold a special session for the purpose of appointing a collector to collect the revenue of said county for the year 1836, and to receive the assessment roll for said year.

(APPROVED FEBRUARY 3, 1837.)

Whereas in consequence of the failure of the assessor of Vigo county for the year 1836, the board doing county business for said county, did, at a called session of said board on the 26th of November, 1836, appoint Charles S. Noble as assessor: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That said appointment is hereby legalized, and the board doing county business of said county is hereby authorized to hold a special session to receive the assessment roll, and to appoint a collector to collect the revenue of sain county for the year 1836.

This act to be in force from and after its passage.

CHAPTER CCXIX.

An Act to legalize the proceedings of the Board of Trustees of the Salem Presbyterian congregation.

(APPROVED FEBRUARY 2, 1837.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the trustees of the Salem Presbyterian congregation, be, and they are hereby authorized to have the certificate of their election held on the eleventh day of February 1834, recorded in the recorders office in the county of Washington; and the proceedings of said trustees are hereby declared to be as legal and valid as they would have been, if the certificate of said election had been recorded within ten days after said election.

This act to take effect and be in force from and after its passage.

CHAPTER CCXX.

An Act to drain the swamps and low lands North east of Indianapolis.

(APPROVED, FEBURARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Calvin Fletcher and Thomas Johnson, be, and they are hereby appointed commissioners to superintend the draining of the swamps and low lands immediately north east of Indianapolis, the out let of which overflows the grounds west, north east, and north of the State house square.

SEC. 2. Said commissioners are hereby authorized to procure the assistance of one of the state engineers, and it is hereby made the duty of the principal engineer to detail some one of his assistants with the proper assistance, whose services for that time will not be required by the state, upon the request of said commissioners, said ergineer so detailed shall make such survey and estimate of the cost of draining said swamps and low lands, as may [be] deemed expedient, and place the same in the hands of said commissioners.

SEC. 3. said commissioners upon the receipt of said survey and estimate shall by themselves or such agents as they may select, receive subscriptions and voluntary contributions from any and all persons who may be willing to subscribe.

SEC. 4. Said commissioners whenever they may deem the amount of subscription as warranting it, shall by public outcry or private contract let out the draining aforesaid or such portion thereof as they may deem advisable, and in such manner as they may deem most experiments.

SEC. 5. Should either of said commissioners die or refuse to serve or resign, it shall be the duty of the board of Marion county at their next meeting after such vacancy to fill such vacancy.

SEC. 6. Said commissioners shall report to the board doing county business a detailed statement of the amount received from each individual, and the amount paid to each individual for work reserving to themselves one dollar per day for every full day they may be necessarily employed.

This act to take effect and be in force from and after its passage.

CHAPTER CCXXI.

An Act appropriating [a] certain portion of the three per cent fund and for other purposes.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the sum of one hundred dollars out of that part of the three per cent. fund which has heretofore or may hereafter be appropriated to the county of Hancock, be, and the same is hereby appropriated to construct a bridge across Big sugar creek in said county, at the crossing of the Indianapolis and Rushville state road, and that Joseph Coones, be, and he is hereby appointed a commissioner to superintend the construction of the same on such plan as the board doing county business for the county of Hancock may adopt.

SEC. 2. Be it further enacted, That the further sum of forty dollars of said three per cent. fund so falling due as aforesaid to said county of Hancock, be, and the same is hereby appropriated for the construction of a bridge over Little Sugar creek in said county where the aforesaid road crosses said stream and that James H. Anderson, be, and he is hereby appointed a commissioner to superintend the construction of said bridge, which shall be erected on the plan of the bridge provided for in the first section of this act.

SEC. 3. Be it further enacted, That James H. Anderson, be, and [he] is hereby appointed a commissioner to draw the aforesaid sum of one hundred and forty dollars from the agent of the three per cent. fund, and it shall be the duty of the said James II. Anderson upon his receiving said one hundred and forty dollars from the agent of the three per cent. fund to pay over to Joseph Coones commissioner appointed by the first section of this act, the sum of one hundred dollars so appropriated for the construction of the Big Sugar creek bridge and it shall be the duty of said commissioner to expend the same thereon, and the said James II. Anderson shall expend the sum of forty dollars so remaining in his hands, upon the bridge, provided for in the second section of this act.

SEC. 4. That sixty dollars of the first monies due the county of Hancock of the three per cent. fund not otherwise appropriated, be, and the same is here be appropriated to construct a bridge across Sugar [creek].

on the state road nome cenfield in Hancoc. It is a commissioner madison county, to be expended by Robert Walker, as commissioner under the direction of the board of commissioners of Hancock county, James H. Anderson is hereby authorized to draw the sum of sixty dollars from the agent of the three per cent. fund, and pay over the same to Robert Walker as above provided for. The board of commissioners in the county of Hancock shall fill all vacancies, should any occur.

SEC. 5. Be it further enacted, That it shall be the duty of the board of commissioners of said county to allow the aforesaid commissioners a just compensation for such services as they may render by virtue of this act.

This act to be in force from and after its passage.

CHAPTER CXXII.

An Act authorizing an exchange of certain grounds in Indianapo lis between the town and state.

(APPROVED FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the Board of Internal Improvement are hereby authorized to take possession of for the use of the state, if they should deem it for the interest of the state so to do, the south half of block no. 50, containing two acres which half block was granted to the town of Indianapolis, by an act of the General Assembly, approved 1821—And in lieu thereof to set apart such portion of the north half of block no. 48, yet owned by the state of Indiana as they shall deem just and equitable to the town of Indianapolis for a market space, and upon the corporate authorities of said town agree. ing by an order on their books to receive such part of block no. 48, so to be set off as aforesaid, then the agent of state for the town of Indianapolis is hereby authorized and it is made his duty to give said town a deed for the same in fee simple. And said corporate authorities, shall at the same time relinquish to the state by deed all of said block, half of block no. 50, which deed shall be given to the said board of internal improvement to be recorded by them in the proper book of their office.

This act to be in force from and after its passage.

CHAPTER CCXXIII

An Act to locate a State road from Ressville in Clinton county to Americus in Tippecanoe county.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Richardson of Tippecanoe county, be, and he is hereby appointed a commissioner to locate a state road commencing at Rossville in Clinton county, thence on the most practicable route to John Wagganer's mill on the North fork of Wild cat creek in Carroll county, thence on the most practicable route to Americus in Tippecanoe county.

SEC. 2. The commissioner aforesaid shall on the first Monday of May next, or as soon thereafter as may suit his convenience after taking an oath faithfully and impartially to discharge the duties required of him by this act, proceed to view, mark and locate said road, and shall within thirty days thereafter cause a report to be filed in the clerks offices of the several counties through which the said road may pass, to be recorded in the record books of the boards doing county business in said counties.

SEC. 3. The commissioner aforesaid shall have power to employ a surveyor, chain carrier and markers to lay out said road as proposed in this act.

SEC. 4. Should the commissioner aforesaid die, resign, or refuse to qualify, it shall be the duty of the board doing county business in the county of Clinton, to appoint some suitable person to fill said vacancy.

SEC. 5. It is hereby made the duty of the boards doing county business in the county of Clinton and Tippecanoe, to allow the aforesaid commissioner, chain carriers and markers, such compensation as they may deem just for their services under the provisions of this act, to be paid out of the county treasuries of the above named counties of Tippecanoe, and Clinton in proportion to the length of the road in each of the counties through which said road runs, and the boards doing county business in said counties shall cause said road to be opened any width not exceeding forty feet, and to be kept in repair in the same manner, and by the same means that county roads are.

This actto take effect and be in force from and after its passage.

CHAPTER CCXXIV.

An Act appropriating so much of the three per cent. fund as is now due to Green county.

(APPROVED, JANUARY 27, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the sum of two thousand dollars heretofore appropriated to the county of Green by virtue of an act entitled, "an act to appropriate to the several counties in this state a part of the three per cent. fund," approved February 8th, 1836, be, and the same is hereby applied in manner following to-wit: the sum of one hundred dollars, to aid in building the Eel river bridge, and Caleb Jessup is appointed a commissioner to expend the same; to the Buck creek bridge one hundred dollars, to Black creek bridge fifty dollars, and Jesse Stafford is hereby appointed a commissioner to expend the same, one hundred dollars to aid in building the Lattey's bridge on the Woods ferry state road, and Peter Hill is appointed a commissioner to expend the same; one hundred dollars to aid in building bridge on said road over Dead creek, and Elias Crance is appointed commissioner to expend the same; five hundred dollars for building a bridge over Richland creek on the Bloomington state road, and James H. Hicks is appointed a commissioner to expend the same; and also to superintend the letting and building said bridge; the sum of fifty dollars to aid in opening and repairing the Bloomington state road, and Solomon Stone, is appointed a commissioner to expend the same; the sum of fifty dollars in opening and repairing the Mount Pleasant state road, and Obadiah T. Barker is appointed a commissioner to expend the same; on Bayou Lester twenty five dollars, and for the repairs of the bridge over Richland. on the Washington state road seventy five dollars, and John Inman is appointed a commissioner to expend the same; for a bridge over Indian creek on the Eel river state road, one hundred dollars, and Jesse Rainbolt is appointed a commissioner to expend the same; to the opening and repairing that portion of the Woods ferry state road west of Fairplay. two hundred dollars, and James Dixon is appointed a commissioner to expend the same; to the opening and repairing that portion of the Woods forry state road east of Bloomfield, five hundred and fifty dollars, and Levi Fellows, is appointed a commissioner to expend the same.

SEC. 2. The said James Dixon, and the said Levi Fellows as such commissioners on mid road, are hereby authorized to make such changes in the survey and location of said road as they may deem practicable and conducive to the public interest.

SEC. 3. It shall be the duty of William N. Norris the commissioner in whose hands the said sum of two thousand dollars is now placed by order of the board of justices of said county to pay over to each of the commissioners in the first section of this act named the sums herein specifically appropriated to each of the objects in this act mentioned.

SEC. 4. It shall be the duty of each of the commissioners appointed by irtue of the first section of this act at the first meeting of the board doing county business for said county after the passage of this law, or at some subsequent meeting of said board, severally to enter into bond with secrity to be approved by said board payable to the state of Indiana in double the amount hereby applied to the several objects herein stated, conditioned for the faithful discharge of their duties as contemplated by the first section of this act.

SEC. 5. This act to be in force from and after it passage, and publication in the Olive Branch, a newspaper printed in Bloomfield.

CHAPTER CCXXV.

An Act to provide for opening and repairing public roads and highways in the county of Clay.

[APPROVED, FEBRUARY 2, 1837.]

SEC. 1. Be it enacted the General Assembly of the State of Indiana, That hereafter in the county of Clay, each and every able bodied man of the age of twenty one years, and under fifty (except such as are by the general laws now exempt) shall be subject to work on roads and highways in said county, in the road district in which he resides, whenever the supervisor of said such district shall consider it necessary not exceeding two days in any one week, and if any such person has had three days notice of the time and place allotted for working any road or highway in such district and shall fail to attend in person, or by substitute satisfactory to the supervisor, at such time and place with such tool or implements as the supervisor may direct, or having attended shall neglect or refuse to obey the reasonable directions of the supervisor as to such work, or spend his time in idleness, he shall forfeit and pay the sum of seventy five cents for every such default in action of debt brought in the name of the supervisor before the proper justice of the peace, Provided, That each supervisor shall call out his hands and work his several roads at least two days in each year.

SEC. 2. Every person who shall at the request of the supervisor furnish a plough or wagon with aspan of horses or oxen and driver, and with them perform one or more days, shall for each days work thus performed receive a credit for three days work, and so in proportion for services of a similar kind with greater or less force

SEC. 3. The board of commissioners of said county, shall at their May term next and annually therepher appoint a suitable number of supervisors and designate for each of them the district and hands confined to his superintendence, Provided, That at the expiration of the term of service

of said supervisor, the hands may elect a supervisor and report the same to the said board of commissioners at their said May term, whose duty it shall be to give to such person so elected a certificate of appointment, And provided further, That the said board may at any other session thereof fill any vacancy that may happen in said county.

SEC. 4. If any such supervisor shall fail or neglect to keep the road or roads in his district in good repair or faithfully expend all monies received by him for the use and repair thereof, or to comply with any duty enjoined on him by law, he shall forfert a sum not exceeding ten dollars, nor less than one dollar to be recovered before a justice of the peace for the use of said road district.

SEC. 5. No such supervisor shall receive any pecuniary compensation for his services as such, but in lieu thereof he shall be exempt from militia duty and from serving on grand juries during the time he may serve as such supervisor, *Provided*, That said supervisor may appoint any one of his work hands to notify the other hands of the time and place of work, and allow him an equivalent of time as would be just and right. And provided further, That the said supervisor shall not be required to make any return to the county board.

SEC. 6. All laws and parts of laws coming within the perview of this act, be, and the same are hereby repealed, so far as relates to the county of Clay.

This act to take effect and be in force from and after its passage.

Landan 302 Power outlook burel Amelitid II outlot II

CHAPTER CCXXVI.

An Act to locate a State Road from Aaron Finche's farm, in White county, via Spring creek ford, to Delphi in Carroll county.

(APPROVED FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assemby of the State of Indiana' That William Hopkins of the county of Carroll and James Gray of the county of White, are authorized to make and locate a state road, commencing at Aaron Finche's farm, on the Chicago road in White county, from thence to Delphi in Carroll county, by the way of Spring creek ford, on the Tippecanoe river.

SEC. .2 The commissioners aforesaid shall proceed on the first Monday in April next, or as soon thereafter as may be convenient, first taking an oath faithfully and impartially to discharge the duty required of them by this act, to view, mark and locate said road, and shall make all necessary surveys, taking with them a sufficient number of chain carriers and markers for that purpose, and shall, within twenty days after the location thereof, cause a repert of the same to be filed in each of the clerk's offices of the counties the ugh which said road rues.

SEC. 3. It is hereby made the duty of the several boards doing county business, in the counties aforesaid, to make to said chain carriers, markers, surveyor and commissioners, such allowance as to them may seem reasonable, which shall be paid by the counties aforesaid, in proportion to the distance of said road in each county, out of any money not otherwise appropriated.

SEC. 4. It is hereby made the duty of said commissioners to have respect to private property in locating said road, where it will not material-

ly increase the distance thereof.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCXXVII.

An Act legalizing to assessment of State and county revenue in the county of Vanderburgh.

(APPROVED, DECEMBER 15, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Iudiana, That the assessment of State and county revenue, made upon the county of Vanderburgh, by William Whittlesey, in and for the year 1836, be and the same is hereby legalized and declared valid to all intents and purposes in the same manner and to the same extent as if the same had been made in conformity with the provisions of an act, entitled "an act to provide for an equitable mode of levying the taxes of this State," Approved, February 8th, 1836; and the clerk of the board doing county business for the said county of Vanderburgh, is hereby required to receive and file the roll of said assessment in his office amongst the files of the board doing county business of said county.

SEC. 2. The board doing county business for the said county of Vanderburgh, shall at their term on the first Monday in January in the year 1837, carefully compare the additions of the number of acres of land on the assessment roll so made, and returned as aforesaid, with the additions of the same townships on the tract book deposited in the clerks office and if found to be less than the number of acres taxable according to the said tract book, they shall order the clerk previously to making out a duplicate, to correct such omissions by the tract book, and shall proceed to hear and determine the complaint of any owner or owners of any property contained in said assessment roll, relative to the listing or valuation, and to correct the same as justice may require, and the clerk shall carefully note all such corrections of the listings and valuations which may be made by said Board.

SEC. 3. The said board shall at their said session appoint a collector, who shall give the same bond, have the same powers, perform the same

duties, and be subject to the same liabilities as collectors appointed in conformity with the provisions of an act entitled "an act to provide for an equitable mode of levying the taxes of this State," approved February 8th, 1836.

Sec. 4. That within twenty days after such assessment rollshall have been corrected, the clerk of said board shall make duplicates thereof, one of which he shall retain in his office, and the other he shall deliver to the said collector, together with a precept in the name of the State of Indiana, under the seal of the board doing county business in said county of Vanderburgh, directed to said collector requiring him to collect and receive the taxes charged in said duplicate according to law.

SEC. 5. The collector so appointed shall pay over the state and county revenue collected by him by virtue of this act, to the proper officers authorized by law to receive the same, on or before the first Monday in July

A. D. 1837.

SEC. 6. The said clerk shall forward to the auditor of public accounts a certified copy of the said colector's bond, within twenty days after the same shall be filed in his office, and also shall forward to the auditor of public accounts, a statement of the valuation of the property in his said county of Vanderburgh in the same manner as is required by the nineteenth section of an act entitled "an act to provide for an equitable mode of levying the taxes of this state," approved February 8th. 1836, within twenty days after the said assessment roll shall have been corrected as hereinbefore provided.

SEC. 7. This act to be in force from and after its passage.

CHAPTER CCXXVIII.

An Act to authorize the sale of a certain school section in Lagrange county.

(APPROVED, FEBRUAY 6, 1837.)

Sec. I. Be it enacted by the General Assembly of the State of Indiana, That the school commissioner of the county of Lagrange, be, and he is hereby authorized to sell section sixteen in town thirty-seven, north of range eleven east, in the same manner as if a vote authorizing said sale had been taken by said township, and shall be governed in every other respect by the law or laws incorporating congressional townships and providing for public schools therein.

CHAPTER CCXXIX.

An Act to authorize the commissioner of the reserve township of lands in Monroe county, to cancel certain contracts therein named.

(APPROVED, FEBRUARY 3, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the commissioner of the reserve township of seminary lands in the county of Monroe, be, and he is hereby authorized to cancel the sale of certain lands of said township, made by him to David Killough, in his life time, and cause to be refunded to said Kellough's administrator, the amount of money by him paid on said lands, and said lands shall be by said commissioner offered for sale as other lands in said townships, are offered.

This act to be in force from and after its passage.

CHAPTER CCXXX.

An act to leglaize the election of a Probate Judge in Kosciusko county.

(APPROVED FEBRUARY, 2, 1837.)

Whereas it is represented to this General Assembly that the Probate judge of the county of Kosciusko did not obtain a certificate of qualifications previous to his election according to law, but that he has since his said election obtained such certificate: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That the election of Probate judge of the county of Kosciusko, be, and the same is hereby declared valid and legal to all intents and purposes, and all lawful acts which the said judge may have done in his official capacity previous to the passage of this act, are hereby declared valid and as effectual in law as though the said judge had obtained a certificate of qualifications prior to his said election.

This act to take effect and be in force from and after its passage.

The transfer of the second section

CHAPTER CCXXXI.

An Act to legalize the proceedings of the trustees of Town 6, Range 1, west in Dearborn county.

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the subdivisions made by Walter Hayes, Robert Hargitt, and George G. Jackson, trustees of township number 6, in range 1, west, in Dearborn county, of said township, be, and the same are hereby legalized.

This act to be in force from and after its passage.

CHAPTER CCXXXII.

An Act to appropriate a part of the three per cent. fund in the county of Orange

(APPROVED, JANUARY 27, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana That Jesse Reed of the county of Orange, be, and he is hereby appointed a commissioner on the state road leading from Livona, in the county of Washington, through Orleans to George Frenche's in Orange county, and he is hereby authorized and required to call upon William Kethcart, commissioner of the three per cent. fund in and for the county of Orange, and draw four hundred dollars of the three per cent. fund heretofore appropriated to the county of Orange and to expend and appropriate the same to the improvement of said road as lies within the county of Orange.

SEC. 3. Be it further enacted, That James Danner of the county of Or ange, be, and he is hereby appointed commissioner on so much of the state road from Orleans in said county, to Milltown, in Crawford county, as lies within the county of Orange, and he is hereby authorized and required to call upon William Kethcart, commissioner of the three per cent. fund in and for said county, and draw three hundred dollars of said fund, and appropriate the same to the improvement of said road as lies within the county of Orange.

SEC. 3. That Jarvis Smith, of the county of Orange, be, and he is hereby appointed commissioner on the state road between Livonia and Paoli, and he is hereby authorized and required to call upon William Kethcart, commissioner of the three per cent. fund in and for the county of Orange, for the sum of two hundred dollars, to be by him appropriated to the improvement of said road, as lies within the county of Orange.

SEC. 4. That John Pinnick, of the county of Orange, be, and he is hereby appointed commissioner on the Paoli and Jasper road by the way of French lick, as lies within the county of Orange, and he is hereby authorized and required to call upon William Kethcart, commissioner of the three per cent. fund in and for the county of Orange, and draw two hundred and fifty dollars, to be expended and appropriated to the improvement of said road.

SEC. 5. That William McDanield of the county of Orange, be, and he is hereby appointed commissioner on the state road leading from Paoli to Troy, or so much as lies within the county of Orange, and he is hereby authorized and required to call on William Kethcart, commissioner of the three per cent. fund, and draw two hundred dollars of the three per cent. fund to be by him expended to the improvement of said road.

SEC. 6. That John Hollowell, jr., be, and he is hereby appointed commissioner on road number 8, so much thereof as lies within the county of Orange, and he is hereby authorized and required to call on William Kethcart, commissioner of the three per cent. fund in and for said county, and draw three hundred dollars of said fund, and appropriate the same to the improvement of said road.

SEC. 7. That the commissioners aforesaid, shall, before entering upon their duties, give bond and security to the satisfaction of the board doing county business, in double the amount of money to be by them respectively appropriated, said bond made payable to the state of Indiana, and they shall also take an oath faithfully to discharge the duties assigned them by this act.

SEC. 8. That the commissioners aforesaid, shall make settlement annually with the board doing county business, and shall be allowed by said board one dollar and twenty five cents per day as a compensation for their services, to be paid out of the funds in their hands.

SEC 9. And be it further enacted, That so much of "an act to appropriate to the several counties in this state a part of the three per cent. fund," approved February 8th, 1836, as authorizes the commissioner appointed under the second section thereof, to expend the three per cent. fund appropriated to said county of Orange, under the order and direction of the board doing county business in said county, be, and the same is hereby repealed.

This act to be in force from and after its publication in the Indiana Democrat.

reminded to Time the affect and the gradient prior blocks he have avoided and

business of the last of the come and a property to the design

CHAPTER CCXXXIII.

An Act authorizing the sale of certain seminay lands in Monroe county.

(APPROVED FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the commissioner of the reserved townships of seminary lands in Monroe county, be, and he is hereby authorized and required to sell the section of reserved land in said township which lies adjoining to, and immediately in the vicinity of the college buildings, commonly called and known by the name of the east section of reserved land.

SEC. 2. The said commissioner shall lay out the said section into such lots or parcels as shall, in his opinion, insure the greatest possible sum from the sales thereof, and shall, at Bloomington, on the first Monday in May next, offer said lots for sale to the highest bidder, and on the following conditions, to wit: That one fourth part of the purchase money shall be paid in advance, and the remaining unpaid part, in five equal annual instalments, with interest from date, the purchaser giving bond with approved security, to said commissioner, for such payments: Provided, That said commissioner shall, in no case, sell any of said section for a less price than fifteen dollars per acre: provided however, That if said land will not sell for the price aforesaid the commissioner shall keep his office open for the entry of the same at the price aforesaid at private sale.

SEC. 3. The said commissioner shall give public notice in the Bloomington Post, a newspaper published at Bloomington, of the time of the sale of said section for six weeks previous to the sale thereof.

SEC. 4. The commissioner aforesaid shall execute his bond to the several purchasers of lands aforesaid, conditional that he or his successor in office will, upon full payment being made for any land purchased as aforesaid, make to the purchaser thereof, his, her, or their legal assignee or assignees, a deed in fee simple therefor, which deed of conveyance the aforesaid commissioner and his successors are hereby authorized and impowered to make.

SEC. 5. It shall be the duty of said commissioner on or before the first day of October next, to furnish the secretary of the board of trustees of the Indiana college and the treasurer of state with a full and correct statement of the amount arising from the sales of the section aforesaid, and the Secretary aforesaid and the treasurer shall enter the same on record, the first in the records of the Indiana college, and the other in the record book by him kept in relation to the sales of the reserved townships of land in Gibson and Monroe counties; and the treasurer aforesaid shall moreover furnish the President of the Senate, and the Speaker of the House of Representatives with said commissioner's report or a copy thereof, during the second week of the next session of the General Assembly, to be by them laid before the respective branches of the Legislature over which they respectively preside.

SEC. 6. All moneys arising from the sales hereby authorized shall from

time to time as they may be received or become due, be paid over to the treasurer of the Indiana college, and shall be paid out to the order of the board of trustees of said college, to be by them applied in the way and manner which shall most conduce to the advancement of the interest of said institution.

SEC. 7. The board of trustees of the Indiana college shall, (if in their discretion they may deem it to be for the interest of said college) at their next regular annual meeting order the commissioner aforesaid, to sell the section of reserved land in said township commonly called the west section of reserved land, it being in the immediate vicinity of said college, the commissioner aforesaid being governed in all particulars by the requirements of this act, providing for the sale of the east section: Provided however, That the commissioner aforesaid, may sell on any day of any month of this year (1837) having previously given notice of said sale as is required in the third section of this act: Provided further, That the board of trustees of said college shall, before ordering the sale of said west section of reserved land to be made by said commissioner, enter the order for said sale on their books ready and cause the secretary of said board to furnish a copy of said order regularly attested to the commissioner aforesaid, who shall enter the same at full length on the book kept by him in which to record the sales of the said reserved land.

SEC. 8. The board of trustees of the Indiana college shall allow the commissioner aforesaid, a fair and reasonable compensation for his services.

SEC. 9. All acts or parts of acts coming within the purview of this act shall be and the same are hereby repealed.

This act to take effect and be in force from and after its passage

CHAPTER CCXXXIV.

An Act to encourage the apprehension of horse thieves and other fugitives from justice in the county of Washington.

(APPROVED, FEBRUARY 2, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the board doing county business for the county of Washington, to cause to be organized, at their discretion, not exceeding six companies, to consist of not more than five men each, in the county aforesaid, for the purpose of immediate pursuit and apprehension of all horse thieves and other fugitives from justice, that should hereafter disturb the lives or property of any citizen or citizens of said county.

SEC. 2 The said board in the organization of the companies aforesaid, is hereby authorized andrequired to make and prescribe all needful rules

and regulations for the government and action of said companies, as well in relation to their organization and equipment, as to their duties in the performance of the services for which said companies were constituted.

SEC. 3. The said board is hereby authorized and empowered to make such allowance, to be paid out of the county treasury of said county, as they shall deem expedient and just to the individuals respectively of said companies, who shall have performed service under the provisions of this act in apprehending or endeavoring to apprehend and bring to justice any person or persons who may be charged with the crime of larceny, felony, or other high crime committed within said county: Provided always, that the companies organized as aforesaid, and the individuals composing the same, shall in all respects, while performing the services herein authorized, be strictly amenable to the laws of the land, and shall not be anthorized to plead this act in justification for any wrong by him or them committed, but in every such respect be as liable as though this act had never been passed.

SEC. 4. And be it further enacted, That it is to be clearly understood, that the board aforesaid, shall exercise their own sound discretion whether they will carry into effect the provisions of this act or not, as they may consider will best subserve the interest and welfare of their county. And in the event of companies being organized as aforesaid, the said board may discontinue all, or any one or more of such companies at pleasure.

This act to take effect and be in force from and after its publication.

CHAPTER CCXXXV.

An Act supplemental to an act entitled "an act authorizing the Commissioner of the Michigan road to correspond with the Commissioner of the General Land Office, in order to have the title perfected to the State of Indiana, to the Michigan road grant and for other purposes," approved January 20th, 1837.

(APPROVED, FEBRUARY 2, 1837.)

Whereas by the eleventh section of the said act to which this is a supplement, it is provided that five thousand dollars out of the Michigan road fund is hereby appropriated to aid the citizens of Logansport in constructing a bridge across Eel river at the north end of Bridge street, in Logansport, which shall be a free bridge to be known as the "Bridge street and Michigan road Bridge." And whereas the fourteenth section of said act, to which this is a supplement provides "that said commissioner," (meaning the commissioner of the Michigan road) "is hereby required to pay over the several sums herein appropriated for the construction of bridges over White river and Eel river, to such person or persons as may by law be authorized to receive the same as

soon as a sufficiency, over and above the amount hereby appropriated is subscribed for the completion of said bridge," therefore:

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph Corbitt, George B. Walker, Jordan Vigus, John Dodd, and William Sellers, all of the county of Cass, be, and they are hereby appointed commissioners to be known as the commissioners of the "Bridge street and Michigan road free bridge."

SEC. 2. Said commissioners, or a majority of them are hereby authorized to cause to be constructed, within eighteen months; said bridge across Eel river at or near the north end of Bridge street, as provided in the act to which this is a supplement: and to enable them so to do, they are hereby authorized to receive from the commissioner of the Michigan road the sum appropriated for that purpose by said act, to which this is a supplement, as soon as the said commissioners shall have caused the commencement of the construction of said bridge.

SEC. 3. Said commissioners shall cause said bridge to be put under contract, if practicable and advisable so to do, during the ensuing season, and cause the same to be made a good and substantial work, to be let to contract on the most advantagious terms by said commissioners, due re-

gard being had to permanancy and durability.

SEC. 4. All additional sums of money raised by private subscription, for the purpose of constructing said bridge, shall be paid over to said commissioners, and they are hereby authorized to receive and collect the same, which together with the sum appropriated by the state out of the Michigan road fund, shall be by them judiciously expended in constructing said bridge, and the overplus of the fund raised by subscription as well as the overplus of the aforesaid appropriation (if any remains,) after said bridge is built and paid for shall be paid over to the Michigan road fund, and said commissioners shall be allowed, out of said bridge funds for their services when rendered in manner herein contemplated the sum of twenty five dollars each.

SEC. 5. Said commissioners or a majority of them are hereby authorized under the provisions of this act, and the act to which this is a supplement to proceed to construct said bridge across Eel river, at and opposite the northern termination of bridge street in the town of Logansport, in the county of Cass; and the said commissioners shall have and may use the writ of ad quod damnum, and all the benefits arising therefrom, and from the law allowing such writ for the purpose of having condemned the necessary quantity of ground for the erection of the abutments and necessary causeways on both sides of said river.

SEC. 6. This act to take effect and be in force from and after its pasage.

Must be made good and great at the second and a second and the state of the

to the first and the second se

or the first the said of the said of the first and the said of the

CHAPTER CCXXXVI.

An act to amend an act entitled, "an act to incorporate the Logansport and Eel River Bridge Company," approved February 5, 1836.

(APPROVED, FEBRUARY 4, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That whenever sixty shares of the stock of said corporation shall be subscribed, the commissioners shall cause an advertisement to be inserted in some newspaper printed in the town of Logansport, giving at least three weeks' notice of the time and place of meeting of the stockholders to choose directors, &c.

SEC. 2. That that part of the fourth section of said approved act, which requires that one hundred and twenty-five shares of the stock of said corporation shall be subscribed, be and the same is hereby repealed.

This act to take effect from and after its passage.

CHAPTER CCXXXVII.

An act making specific appropriations for the year 1837.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the principal and assistant secretaries of the Senate, and the principal and assistant clerks of the House of Representatives, shall severally be allowed four dollars per day, and the enrolling secretary of the Senate, and enrolling clerk of the House of Representatives, four dollar per day for each and every day they may have served as such, during the present session, and the door keeper of the Senate, and the door keeper of the House of Representatives each three dollars per day for every day they may have served as such during the present session; and the sergeant-at-arms of the Senate, and the sergeant-at-arms of the House of Representatives, three dollars for every day they may have served as such during the present session.

Sec. 2. That Zebulon P. Hand, Robert W. Fleming and Samuel Wollen, the assistant door keepers of the House of Representatives, be allowed one dollar and fifty cents for each day by them employed, for their

services during the present session.

SEC. 3. That Andrew Wilson, commissioner of the French Lick reserved lands, be allowed the sum of twenty-seven dollars and fifty cents for services rendered in 1835, and twelve dollars for his services as aforesaid, for 1836, making in-all thirty-nine dollars and fifty cents.

SEC. 4. That there be allowed to the secretary of State for copying the laws of the present session, making marginal notes and index, and superintending the printing, one hundred dollars.

SEC. 5. That Nelson D. Comegy be allowed the sum of sixteen dollars, for work done on the bannestering around the hall of the House of Repre-

sentatives, and making and hanging gates for the same.

SEC. 6. That McClure & Davis be allowed one dollar, for sealing wax for the secretary of State; and that Seth Bardwell be allowed the sum of eight dollars and seventy-five cents, for work done to the House of

Representatives.

Sec. 7. That the treasurer of State be allowed for moneys advanced by him, by virtue of the provisions of the act entitled, "an act to provide for the appointment of a keeper of the State-house," approved February 8, 1836, the sum of five thousand six hundred and forty-four dollars and forty-two cents, on his filing the vouchers upon which said advances have been made with the auditor of public accounts, who is therefore required to audit the same.

Sec. 8. That James Fislar be allowed twelve dollars for services rendered in preparing the hall of the House of Representatives, and money paid by him for letter bags.

SEC. 9. That B. F. McCarty & Co. be allowed seventy five cents for

four papers of British lustre.

SEC. 10. That V. C. Hanna be allowed the sum of thirty dollars and sixty-three cents, for stationary for the General Assembly.

SEC. 11. That Vickers & Wiseman be allowed the sum of one dollar and twelve and a half cents, for ribbons furnished the secretary of State.

SEC. 12. That Sampson Leatherman be allowed the sum of twenty-five dollars for keeping, during the session, the necessary buildings of the State-house.

SEC. 13. That John W. Lee be allow thirty seven dollars for services rendered the State, and for money expended during the time of rendering said services.

SEC. 14. That Jesse Wright be allowed ten dollars for money expend-

ed by him for the State.

SEC. 15. That John Wood of Rush county, be allowed the sum of five dollars and four cents for taxes improperly paid.

SEC. 16. That C. B. Smith, speaker of the House be allowed six dollars and seventy-five cents for postage paid upon bank reports and other documents addressed to him, to be laid before the House.

SEC. 17. That John Dumont be allowed two hundred dollars for re-

vising the Congressional school law.

SEC. 18. That Milton McPhetridge, the commissioner appointed to sell the saline lands in Monroe county, be allowed the sum of eight dollars for money expended by him in surveying and laying out said lands, and that Benjamin Rogers be allowed for his services as superintendent of said saline lands previous to the commissioner taking charge of and selling said lands, the sum of fifteen dollars, said allowances to be paid out of said saline funds.

SEC. 19. That Douglass & Noel and Bolton & Emmons be allowed

the amount withheld from their respective accounts, after being certified by the secretary of State as correct, for failing to perform their printing contracts of 1835 and 1836, within the time stipulated by law.

SEC. 20. That J. S. Drake be allowed three dollars for services ren-

dered as clerk to a select committee of the Senate.

SEC. 21. That David Wallace, president of the Senate, be allowed the sum of three dollars and ninety-three and three-fourths cents, for postage paid upon public documents addressed to him, to be laid before the Senate.

SEC. 22. That David Williams be allowed six dollars and twelve and

a half cents, for stationary furnished the State.

Sec. 23. That the principal secretaries of each branch of the General Assembly, certify the amount of services for extra assistants employed by them upon which the auditor of State shall audit, and the treasurer shall pay the same to the person or persons so employed, out of any moneys not otherwise appropriated.

CHAPTER CCXXXVIII.

An act making general appropriations for the year 1837.

(APPROVED, FEBRUARY 6, 1837.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there be appropriated for the expenses of the present General Assembly, including the pay of members, secretaries, clerks, sergeant-at-arms, door keepers, fuel, binding and distributing the laws and journals, together with all other expenses incident to the present session, the sum of twenty-eight thousand dollars; printing and stationary, six thousand five hundred dollars; specific appropriations, three thousand dollars; judiciary, including prosecutions, fifteen thousand dollars; probate judges, three thousand dollars; executive officers, three thousand five hundred dollars; adjutant and quarter master generals, one hundred and fifty dollars; contingent expenses, one thousand dollars; wolf scalps, seven hundred dollars; State library, one hundred dollars; State prison, five thousand dollars; for State-house, including the unpaid balance of the last year, seven thousand dollars.

RESOLUTIONS.

CHAPTER I.

A joint memorial of the General Assembly of the State of Indiana, on the subject of the Cumberland Road.

(APPROVED JANUARY 18, 1837.)

To the Senate and House of Representatives, of the United States, in Congress assembled:

Your memorialists, the General Assembly of the State of Indiana, respectfully showeth unto your honorable body, in behalf of the people of said State, that they feel much agrieved by the action of the General Government, in relation to said road, on account of the late period of each session of Congress, at which appropriations for the Cumberland road are made; and also at the time and particular manner of the expenditures of such appropriations, when made for the furtherance and completion of that great thoroughfare.

Your memorialists would, therefore, most respectfully suggest the importance and necessity of passing separate bills at an early period of each session of Congress, for the appropriations and expenditures of increased sums of money for the completion of said road in Ohio, Indiana and Illinois, so that the superintendants may, at as early a period in the spring as the weather will permit, commence efficient operations thereon, so that the whole season, adapted to that kind of labor may be the most profitably employed, to the advantage of the nation.

With due deference, we would further suggest the justice and policy of so dividing the unexpended appropriation of last session, as well as those which may be made in future, for the State of Indiana, as that the same may be expended in grading and completing the whole line of said road in said State of Indiana.

Unwilling to so far undervalue the wisdom of the National Congress, as to indulge in the unpleasant conjecture, that this work, of so vital importance to the people of the western portion of the Union through which it passes, will not be speedily completed to the Mississippi river; we hasten to lay our views before the Congress of the United States with the confident hope that they will be justly and promptly responded to.

Resolved, That the governor transmit, as early as possible, a copy of this memorial to each of the senators and representatives in Congress.

CHAPTER IL

A Joint Resolution relative to the appointment of a Commissioner to adjust the boundary line between the States of Indiana and Ohio.

(APPROVED, JANUARY 27, 1837.)

WHEREAS doubts exist respecting the point of the Ohio river at which the line between the States of Ohio and Indiana commences in consequence whereof, and to avoid any difficulty which may arise in relation thereto,

Be it therefore resolved by the General Assembly of the State of Indiana, That the governor be, and he is hereby authorized, to appoint a commissioner on the part of the State of Indiana, who in conjunction with a similar one on the part of the State of Ohio, shall meet in the town of Lawrenceburgh in the said State of Indiana, at such time as may be required by the law of the said State of Ohio, or by the executive of said State. and after having taken an oath or affirmation faithfully and impartially to discharge the duties required of them, shall take to their assistance a competent surveyor, who shall also take an oath or affirmation faithfully and impartially to discharge the duties of surveyor, and proceed to the mouth of the Great Miami river, and then and there fix upon and determine the point on the north bank of the Ohio river where said line originally commenced, and at that point erect a monument or stone with suitable monuments as witnesses thereto, and from thence run and mark the line to a point where it will intersect the State road leading from Elizabethtown, in the State of Ohio, to Lawrenceburgh in the State of Indiana, at which point they shall erect a monument or stone, and it shall be the duty of the governor of Indiana to furnish said commissioners with such papers and instructions as he may deem necessary, and the said commissioners and surveyor shall make out three or more certified copies of the said survey, one copy of which shall be deposited with the secretary of State of the State of Indiana, one copy with the surveyor general of the United States in Cincinnati in the State of Ohio, and one copy to be disposed of by the State of Ohio, as by law she may require. And the commissioner on the part of the State of Indiana shall receive the sum of three dollars per day for each day he may be employed in discharge of the duties herein required of him; and the surveyor shall receive the sum of four dollars for each day he may be employed as aforesaid, and the expenses of chainmen and axemen being the one half of his compensation. And the governor of the State of Indiana is hereby authorized to pay the same out of the contingent fund.

Resolved further, That the governor be directed to communicate the passage of this resolution to the executive of Ohio.

that the manifest the princip bins them and that godd and a too highering of

CHAPTER III.

A Joint Resolution on the subject of the Surplus Revenue.

(APPROVED, FEBRUARY 4, 1837.)

Resolved by the General Assembly of the State of Indiana, That our senators and representatives in Congress be requested to use their exertions to procure the passage of an act of Congress for the relinquishment, on the part of the United States, to the several States of the Union, of all claim to such portions of the surplus revenue, as are by the provisions of the act of Congress of June 23, 1836, authorized to be deposited with said States.

Resolved, That the governor of this State be requested to transmit a copy of the foregoing joint resolutions to each of our senators and representatives in Congress.

CHAPTER IV.

[A Joint Resolution on the subject of revising the Laws.

(APPROVED FEBRUARY 6, 1837.)

Resolved by the General Assembly of the State of Indiana, That the judges of the supreme court of the State of Indiana be, and they are hereby appointed to revise, alter, amend, abridge, enlarge and model the State laws of the State so as to produce a comprehensive and systematic code best suited to subserve the public interest; and said judges are hereby required to lay before the next General Assembly of the State of Indiana such revisions for their action. Resolved further, That in making the revision as above directed, the said judges shall classify the laws, so revised, under proper heads; carefully noting all portions of the law that may be in force on the publication of the acts passed at the present session of the General Assembly, which they may think proper to leave out of such revision, as also such new matter which they may introduce into said revision.

CHAPTER V.

A Joint Resolution relative to officers of the State Bank and Branches.

(APPROVED, JANUARY 23, 1837.)

Resolved by the General Assembly of the State of Indiana, That no person employed in the State Bank of Indiana, or any of its branches, either as President, Cashier or Director, shall be eligible to any office either in an insurance company or savings institution within this State.

Resolved, That the acceptance by any President, Cashier, or Director of the State Bank, or any of its branches, of any office in any insurance company, or savings institution, within this state, shall work as a forfeiture of office in said bank or branches.

CHAPTER VI.

A Joint Resolution in relation to the publication of a certain law.

(APPROVED JANUARY 16, 1837.)

Be it Resolved by the General Assembly of the State of Indiana, That it shall be the duty of the Sergeant at-arms of the Senate, to procure from the Secretary of State, a copy of an act passed at the present session of the General Assembly, entitled, "an act for the division of the eighth, and formation of the ninth judicial circuit," and to procure its publication in the Indiana Democrat, and receive from the editor of said paper a sufficient number thereof, and envelope the same in strong paper, directed to each of the judges, clerks, sheriff's, and prosecuting attorney's in said circuits, and deposit the same so endorsed, in the post office in this stown.

This resolution to take effect and be in force from and after its passage.

CHAPTER VII.

A MEMORIAL and Joint Resolution of the General Assembly of the State of Indiana, asking an additional appropriation for the Public Works at Michigan City, Indiana.

(APPROVED, JANUARY 16, 1837.)

To the Honorable the Senate, and House of Representatives of the United States, in Congress Assembled, the memorial of the Legislature of the State of Indiana respectfully represents:

That owing to its natural and relative position, Lake Michigan may be emphatically styled in its commercial importance, the Mediterranean of North America.

The business on this Lake has increased in a ratio far exceeding that of any other newly occupied navigable waters.

The amount of merchandize landed at the different points on the whole Lake, it is believed would not fall short of twenty millions of dollars.

The amount landed at Michigan city alone exceed three millions of dollars.

The losses sustained by damage to vessels and merchandize, on the Lake during the past year which mostly has been for want of harbours; has not been less than a million of dollars.

That in two years past more than fifty lives have been lost, many of them young, intelligent, and promising, met with a premature and watery grave, for want of Harbours; vessels being under the necessity of encountering the severest gales at sea without any other hope than that of being able to outride the storm.

The prosperity of the commerce of all the Northern Lakes, demands that Harbours, and especially those which are already begun, should be completed as rapidly as possible, taking into consideration the permanency of the works, and a judicious and economical expenditure of the money appropriated.

Michigan City is becoming, if not already, the Grand commercial Emporium of Northern Indiana.

From the best information on the subject from those competent to judge, it is believed that one hundred thousand dollars ought to be expended at this place the coming year. It is presumed that this sum will not be considered too large for the state, to ask at the hand of Corgress, when it is remembered, that Michigan, Ohio, Pennsylvania, and New York, are receiving millions for the same purpose.

We respectfully ask that an appropriation for the ensuing year, equal in amount, to the necessities of the case be granted by you, to further the completion of the breakwater at Michigan City.

Resolved, By the Senate and House of Representatives in General Assembly convened.

That our Senators and Representatives in Congress be requested to use their best exertions to procure the passage of a law by Congress, ap-

propriating one hundred thousand dollars, to be expended on the Harbour at Michigan City the ensuing year.

o sometable, brail he have

Be it further resolved, That his Excellency the Governor, be requested to forward a copy of the foregoing memorial and Joint resolution, to each of our Senators and Representatives in Congress.

CHAPTER VIII.

Sur to company of the organic base of place of the same

A Joint Resolution in relation to the public lands, suspended from sale on the line of the Wabash and Erie Canal, in the State of Indiana.

(APPROVED, FEBRUARY 2, 1837.)

Be it resolved by the General Assembly of the State of Indiana, That our Senators and Representatives in Congress use their exertions to procure the passage of a law proposing to sell to the state of Indiana at the minium price of the public land the alternate sections of land reserved from sale on the line of the Wabash and Erie Canal in said state, and that his excellency the Governor, send a copy of this resolution to each of our Senators and Representatives in Congress as soon as convenient. ed in two years just more than lefts Brestlave been lost, many of them

chapter IX. no all to visions of the

yours, intelligent, and promising sect with a greatmound waters grave

for want of Harbours; vessels being nodes, the necessity of encountering

A Joint Resolution on the subject of sundry amendments to the Constitution of the United States.

(APPROVED FEBRUARY 3, 1837.)

Be it resolved by the General Assembly of the State of Indiana, That the permanency and purity of our republican form of government, would be advanced and more firmly established, by the following amendments of the Constitution of the United States:

First. Limiting the incumbents of the Presidential and Vice Presiden-

tial offices to a single term of four or six years.

Second. By providing that the election of Presidentand Vice President, beheld on the first Monday, and succeeding Tuesday, and Wednesday, in the month of September every four or six years, and uniformily in the several States.

Third. By providing that the election of said officers shall be made by the qualified votes of each state, by voting directly, without the intervention of the electoral colleges, either viva voce, or by ballot.

Fourth. By providing for a second trial, in case no choice be made at the time specified, and adopting such other provisions, as will forever prevent the election of said officers from devolving on either house of Con-

Fifth. Providing a constitutional restriction on the appointment of Senators and Representatives to office by the Executive of the United States, during the term for which they may have been chosen by the States or the

people.

Be it further resolved, That our Senators in Congress be instructed, and our Representives requested to use their best exertions to facilitate the amendments pointed out, by this Joint Resolution.

Be it further resolved, That the Governor of this State be requested to forward this Joint Resolution to our Senators and Representatives in Con-

in this daily thurst said out but has not not been tone to be

across said gives at or mear Sheew node ferry in said connibed Therefore, Be if resolved for the General Assembly of the State of ferbancy That CHAPTER X.

or county owned by the Ceneral Government. And advance has all

interest of the State of Indiana, that a disider should be accepted

Chala sauge from box box A Joint Resolution for the benefit of certain French inhabitants in and near di esoyor batogra of allow Vincennes. 201 mailes 10 state ant sole

(APPROVED, FEBRUARY 3, 1837.)

Whereas, it is represented to this General Assembly, that certain French and Canadian inhabitants, and their descendants, settlers at Post St. Vincent, (now Vincennes, who have professed themselves citizens of the United States, have never under the act of cession, of the State of Virginia, passed December 20th 1783, and the General acts and resolutions of Congress, received a confirmation of title to the lands to which hey are justly entitled, therefore:

Be it resolved by the General Assembly of the State of Indiana, That our Senators and Representatives in Congress be requested to use their exertions to procure the passage of a law for the appointment of a commissioner to ascertain the justice of the claims of those French and Canadian inhabitants, and their descendants, at Vincennes, to lands, who have not been provided for in pursuance of said several acts of the State of Vir-

ginia, and of the United States.

Resolved, further, That if upon such ascertainment it be found that any of such French or Canadian inhabitants, or their descendants are entitled to land as aforesaid; the President of the United States be authorized to direct the commissioner of the General Land Office to permit any such person entitled, to enter at the United States Land Office, North west of the Ohio river, a quantity of land equal to that which they may be so as aforesaid entitled; and that a patent issued to him, her or them, therefor or that Congress may grant such other relief in the premises as may be just and equitable.

Resolved, That his Excellency the Governor be requested to transmit

a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

CHAPTER XI.

A preamble and Joint Resolution on the subject of erecting a Bridge across the Kankakee River in Porter and Newton counties.

(APPROVED JANUARY 21, 1837.)

Whereas, the Kankakee river passes from East to West through the counties of Porter and Newton, and that the lands through which said river runs is owned by the General Government. And whereas it is all important to the State of Indiana, that a Bridge should be erected across said river at or near Sherwoods ferry in said counties, Therefore, Be it resolved, by the General Assembly of the State of Indiana, That

our Senators in Congress be instructed, and our Representatives be requested to use their exertions to procure the passage of a law authorizing the state of Indiana to cause a Bridge to be erected across the said Kankakee river, at or near Sherwoods ferry in said counties of Porter and Newton, under such rules and restrictions as the Legislature of the State, may deem best.

And be it further resolved, That our Senators and Represensatives in Congress be respectfully requested to use their best endeavors to procure a grant of ten sections of Land to aid in the construction of said Bridge and Turnpiking the marsh bordering on said river as may be necessary.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble, and Joint resolution to each of our Senators and Representatives now in Congress.

and semislari and stephesentitives in Homeraka he bested to use their conexcellents in several the message of a law for the "appointment of scone afsismer to execute the agains of the orthog of their back their bank than

CHAPTER XII.

A Joint Resolution of the General Assembly of the State of Indiana, relative to the continuation of the Buffaloe and Mississippi Rail Road.

(APPROVED, JANUARY 21, 1837.)

Whereas, it is represented to this General Assembly, that the State of Ohio has by a charter passed at her last session authorized a company to locate and construct a rail road from Sandusky to Toledo on the Maumee bay, and for the continuance of said road to the East line of this state; and in furtherance of this beneficial project, the state of Ohio is desirous of the co-operation of this State and Illinois, for the exten-

sion of said road, to the navigable waters of the Illinois and Mississippi rivers, or either as the State of Illinois may think best, or most conducive to her interest. And in furtherance of this important project, the Legislature of this State did, at the last session, (in 1835) charter a company with a view to the location and construction of said road; and still being dersirous for the furtherance of said work, the co-operation of the State of Illinois, in the continuation of said road is respectfully solicited by either granting the privilege, or incorporating a company within their own limits to act in concert with such other companies as may be engaged in said work, under the proper authorities of the different states interested, or in any other way that she may deem proper, and most expedient and beneficial to her interests;

Therefore, Be it Resolved, by the General Assembly of the State of Indiana, That the Governor be requested to transmit to his Excellency the Governor of the state of Illinois a copy of the charter granted to a company in this state, authorizing the location and construction of a rail road from the Maumee bay in the state of Ohio, to the rapids of the Illinois river, approved February 6th, 1835; and request his Excellency the Governor to lay the same before the legislature now in session at Vandalia.

CHAPTER XIII.

A Joint Resolution on the subject of the purchase of the Louisville and Portland canal stock.

(APPROVED, JANUARY 10, 1837.)

Resolved by the General Assembly of the State of Indiana, That our Senators and Representatives in Congress be requested to oppose the purchase of stock in the Louisville and Portland canal.

Resolved, That his Excellency, the Governor, be requested to forward a copy hereof to each of our Senators and Representatives in Congress.

CHAPTER XIV.

A Joint Resolution directing the Secretary of State to furnish the county of Porter with ten copies of the revised laws.

(APPROVED JANUARY 21, 1837.)

Resolved by the General Assembly of the State of Indiana, That the Secretary of State be authorized and required to furnish the county of Porter ten additional copies of the revised laws of 1831, for the benefit and use of said county.

CHAPTER XV.

A Joint Resolution in relation to a law therein named.

(APPROVED, JANUARY 14, 1837.)

Resolved by the General Assembly of the State of Indiana, That the Secretary of State be required to file in the clerk's offices of the several counties in the third and fifth judicial circuits, certified copies of an act entitled, "an act to change the time of holding courts in the third judicial circuit, and also, one to change the time of holding courts in the fifth judicial circuit, passed at the present session of the General Assembly, and that all the expenses necessary to carry into effect the provisions of this resolution be paid out of any money in the treasury, not otherwise appropriated.

CHAPTER XVI.

A Joint Resolution of the General Assembly of the State of Indiana, to amend and explain a joint resolution passed and approved at the present session of the General Assembly, aforesaid entitled, "a joint resolution relative to officers of the State Band [Bank] and Branches.

(APPROVED, FEBRUARY 4, 1837.)

Be it Resolved by the General Assemby of the State of Indiana, That nothing contained in the joint resolution passed and approved at the present session of the General Assembly of the State of Indiana, entitled, "a joint resolution relative to the officers of the State Bank and Branches, shall be so construed as to apply to the President, Directors, or officers of the Indiana mutual fire insurance company, nor shall said company be considered as one of the insurance companies intended to be effected by said joint resolution.

CHAPTER XVII.

A Joint Resolution on the subject of the three per cent. fund.

(APPROVED, JANUARY 21, 1837.)

Whereas a large quantity of the lands of the United States situated in the White water country, has been sold at the land office at Cincinnati.

And whereas it does not appear that the three per cent. und to which the State of Indiana is entitled of a large portion of the proceeds of said sales, has even been received by the agent. Therefore,

Resolved by the General Assembly of the State of Indiana. That the agent of the three per cent. fund shall make use of all necessary and lawful means, to become correctly informed with regard to the amount and condition of the aforesaid three per cent. fund to which this state is entitled of the proceeds of the sales of public lands sold at Cincimati, and to obtain possession of the same, and report his proceedings with his annual report next ensuing.

This resolution to take effect from and after its passage.

CHAPTER XVIII.

A Joint Resolution on the subject of the Northern Caral.

(APPROVED, JANUARY 16, 1837.)

Whereas the Legislature of the State of Indiana at its last session, passed an act providing for a general system of internal improvement for the State, and amongst other works authorized the construction of a canal connecting the waters of the Wabash and Erie canal at or near Fort Wayne, with those of Lake Michigan, and whereas the contemplated line of said canal will pass through a large proportion of the public lands that will be greatly enhanced by such improvements. Therefore,

Be it Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives be requested to endeavor to obtain a grant of land of the United States equal to five alternate sections along each side of the line of said canal for the purpose of aiding the State of Indiana in the completion of said work.

Be it further resolved, That any grant of land made by the United States for the purpose aforesaid, shall be disposed of for the purpose of constructing said work under the direction of the Board of Internal Improvement, and that the fund commissioners are hereby authorized to make the necessary loans from time to time for the completion of said work whenever the Board of Internal Improvement shall deem it advisable to put the said work under contract.

The state of the state of the same

n A salpe of many man lade study see a constant to the

CHAPTER XIX.

A Joint Resolution of the General Assembly of the State of Indiana, for the benefit of the Lutheran denomination of Christians in the town of Indianapolis and its vicinity.

(APPROVED, FEBRUARY 6, 1837.)

Resolved by the General Assembly of the State of Indiana, That the Lutheran denonination of Christians in the town of Indianapolis and its vicinity, be, and hey are hereby authorized to build a church on the northwest corner of the University square in the town of Indianapolis, and continue the same on said square for the term of twenty years, unless the said square should be wanted for University purposes; in that event the trustees of the said denomination of Christians shall be permitted to remove their church from said square.

CHAPTER XX.

A Joint Resolution respecting Blackford's reports.

(APPROVED FEBRUARY 4, 1837.)

Resolved by the General Assembly of the State of Indiana, That the Secretary of State subscribe for, and receive from Isaac Blackford, the reports when ready for delivery, the same number of copies of the fourth volume of Blackford's reports of the decisions of the Supreme Court, as were authorized to be received of the third volume of said reports, by a joint resolution passed at the last session of the Legislature; and that the said secretary deposit the copies of the said fourth volume of reports in the same places and in the same manner as by the said resolution of the last session he was directed to deposit the said third volume of reports. That the said Secretary also subscribe for, and receive, as aforesaid, any additional copies of the said fourth volume of reports and of the previous volumes as may be required to supply any new counties which may be organized at the present or the next session of the Legislature. And the amount of the subscription price of the said copies of the said reports hereby authorized to be received by the said secretary, is hereby appropriated to pay for the same, and when they are received by the Secretary, the auditor shall audit, and the treasurer shall pay the amount out of any moneys not otherwise appropriated.

Resolved further, That until the General Assembly shall otherwise direct, the said secretary shall continue to subscribe for, and receive of the said reports when ready for delivery, the same number of the fifth and subsequent volumes of said reports as he is hereby authorized to receive of the fourth volume to be deposited by the Secretary at the different places and in the manner herein directed as to the fourth volume. The money for which fifth and subsequent volumes is hereby appropriated. And whenever the fifth or subsequent volumes of said reports are received by the said secretary, the auditor shall audit, and the treasurer pay the amount out of any money in the treasury not otherwise appropriated.

CHAPTER XXI.

A Joint Resolution providing for the election of a Public Printer to each House of the General Assembly, and fixing the prices and compensation of said officers.

[APPROVED, FEBRUARY, 4, 1837.]

Resolved, That in the month of January, 1838, and every three years thereaster, each House of the General Assembly shall choose by vote, viva voce, a public printer for their proper House, to serve for three years, whose duty it shall be, to execute the printing necessary for each House, under the direction of the principal secretary and principal clerk of each, subject to the regulations, and prices hereinafter provided.

First: The prices to be paid said public printer or printers, are hereby established as follows, and shall so remain, till otherwise changed, by both branches of the General Assembly: for composition, per 1,000 ms, plain matter, sixty-two and a half cents; figure work, per 1,000 ms, ninety-three and three-fourth cents; rule and figure work, per 1,000 ms, one dollar and twenty-five cents. For press-work, per token, common forms, sixtytwo and a half cents; broad-sides, per token, ninety-three and three-fourth cents; folding reports and bills, per one hundred copies on each signature, (all distinct tables to be considered as signatures,) twelve and a half cents; stiching reports and bills, per one hundred copies, twenty-five cents. All printing done in any manner, on account of the State of Indiana, shall be subject to the provisions of this joint resolution.

Second: That the term of service of the public printers so elected shall commence on the first day of August succeeding the day of their election, and said printers within thirty days from their election as such, shall give bond to the satisfaction of the secretary, auditor and treasurer of State, for the prompt, accurate and neat execution of the work; and in case any inconvenient delay should at any time be experienced by either house, in the delivery of its work, the secretary and clerk of each House, respectfully, may be authorized to employ another printer to execute any portion of the work of the Senate or House, and charge the excess to the account

of such printer guilty of such negligence and delay.

Third: That Douglass & Noel be, and they are noted apprinters to the Senate, and Bolton & Livingston for the House of Representatives for the next session of the General Assembly, but shall be governed as to the prices of the work, and the manner of executing the same by the provisions of this joint resolution. The printing of the laws shall be done by the printers of the Senate.

CHAPTER XXII.

A Joint Resolution relative to constructing two harbors on Lake Michigan.

(APPROVED JANUARY 26, 1837.)

Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and Representatives respectfully requested to use their exertions to procure a survey of two harbors on Lake Michigan, one at "City West," and one at "Indiana City," at the mouth of the Grand Calumet river, in order to ascertain the practicability, and necessity of constructing harbors at those points for the protection of the commerce upon the Lakes, and that his Excellency, the Governor, be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

CHAPTER XXIII.

A Preamble, Memorial, and Joint Resolution in relation to the improvement of the harbors on the southern coast of Lake Michigan.

(APPROVED, JANUARY 21, 1837.)

Whereas, the Legislature of the State of Indiana has authorized the projection of a Canal from the Wabash and Erie Canal at Fort Wayne, to Lake Michigan; a survey of which said contemplated canal, has been made by competent Engineers, under the direction of the Board of Internal Improvement of said state; a report of which survey has been made to said Legislature, from which is ascertained the practicability of the accomplishment of said project, and that the State will, in all probability, commence operation on said line of canal in the course of the coming spring or summer. And whereas, also, when the state authorized the projection of said canal, she had in view the ulterior connection of the Wabash and Erie canal with the Illinois canal, in the vicinage of Lake Michigan, and thus form an immense chain of inland communication

from Lake Erie to Lake Michigan; thence to the Illinois canal, and the whole scope of the valley of the Mississippi. The advantages which would flow to the Federal Government from such an almost unlimited communication, on the contingency of war, cannot be too highly appreciated. The benefits which would result to the National Government from the improvement of the southern coast of Lake Michigan, have never been duly considered; nor have they ever been truly presented to the public. The grand Calimic is a natural bay, which bends itself around the south coast of the Lake, in the form of a crescent, varying in breadth from eighty to two hundred yards; and in depth from twenty to forty feet, and continuing this average of breadth and depth for the probable distance of forty miles, to the mouth of Hood's creek, and were the bar of sand, which the action of the waters of the Lake has thrown around the mouth of said river, removed, it would be a capacious harbor, one that would be a convenient and safe retreat for all the vessels on the whole corden of the Northern Lakes, and be a harbor of eminent security for winter quarters for shipping, as the storms and tempests of the Lake are interposed by a range of hills, which rise between the lake and the bay.

The Fort Wayne and Lake Michigan canal is located as far west as the mouth of Salt river; from thence to Michigan City. From the mouth of Salt river to the mouth of the Grand Calimic, is about six miles, and to the mouth of Hood's creek about eight miles; so that an extension of said canal, for this short distance, will terminate said canal at the head of said bay; and the physical difficulties which present themselves in the extension of said canal are scarcely worth naming, as three quarters of a mile of easy excavation would bring the said canal to said creek, and from thence to the head of the said bay, there is almost a

natural channel for a canal.

In the state of Illinois a survey has been made for a canal, from that point on the Calimic river, where Rock creek disembougues itself to the Chicago canal, spanding a distance of about thirteen miles; and the Ergineer who made the survey reports the practicability and cheap construction of said canal; so that an extension of these two great state arteries, for a distance of not more than twenty five miles will unite them; and the mutual interests of said states will doubtless prompt them to bring this union to an early consummation.

The conclusion cannot be avoided, that the Fort Wayne and Lake Michigan canal will be preferred as an outlet from Lake Michigan to Lake Erie, to the natural outlet of Lake Michigan; for it is now admit ted, and of universal note, that the Beaver Isles in the northern end of Lake Michigan, and the Green Isles, in the straits of Mackinaw, render a voyage from Lake Michigan to Lake Erie, at all times extremely

perilous and two often calamitous. Therefore,

Your memorialists, the General Assembly of the State of Indiana, would most respectfully represent, that, from the geographical situation of this state; her claims on the national Government for appropriations for the promotion of commerce, and for putting the country in a state of defence, are more circumscribed than those of many of other

states; as Lake Michigan borders on only a small fragment of her northern boundary, we would further remark, that in asking for congressional appropriations for improving the bay and harbors on the south coast of said lake, we, at the same time, disclaim the supposition, that such appropriations will only tend to promote the interests of this staie. Not so, other states, nay, the whole Union would be benefitted by the proposed improvements; and with truth it may be further observed, that the system of internal improvement, as adopted by both the state of Illinois and this state, the natural bay which winds itself around the said Lake, the bars of sand which clog the mouths of the rivers emptying into said lake on said coast, the unprecedented improvement of the country around the said lake, the dangers which uniformly attend a circumnavigation through the straits of Mackinaw, as well as the commerce and prosperity of the west, -all conspire to call the immediate consideration of Congress to the improvement of said coast, by liberal national apropriations, for surveys and the construction of harbors, &c. Therefore.

Be it resolved, by the General Assembly of the State of Indiana, That our Senators and Representatives in Congress be requested to give their attention to the furtherance of the object hereby sought, and that His Excellency, the Governor, have furnished to our said Representation in Congress copies of this preamble, memorial, and resolution as soon as convenient.

of the second of the first of the second of CHAPTER XXIV.

A Joint Preamble and Resolution in relation to preemption and preemption

(APPROVED, FEBRUARY 4, 1837.)

Whereas, it appears to this General Assembly, That since the passage of the act of Congress of the nineteenth of June eighteen hundred and thirty four, granting preemption rights to cultivators and occupiers of the Public lands in eighteen hundred and thirty three, and until very recently, the land officers of the State of Indiana, and more particularly at Laporte, have construed the conditions of said act as enabling two Joint cultivators of one quarter section of land to procure preemption float for one half of the amount of land so cultivated, said floats being assignable and transferable, which construction to the prejudice of preemptors and assigns of preemptors, has more recently been so modified as that the said Joint preemptors must occupy the quarter section as tenants in common, without the allowance of pre-emption floats:

And whereas, also, by a circular of the commissioner of the General Land Office, issued since the passage of said act of Congress of nineteenth of June eighteen hundred and thirty four, to the several land officers in the state of Indiana the said Land Officers were instructed, that where a person lived in the family of another, but cultivated the public lands upon which some other individual had settled, who had cultivated the same. pre-emption should be granted to both, each being entitled to a preemptionfloat of eighty acres. Which instruction, and decision, has also been very recently reversed, by which many individuals, who cultivated lands with a honafide intention of farming the same, are derrived of their lands and homes-for in the conception of this General Assembly, it must have been often the case, that young and unmarried men, or even men who had not removed their families to the West, were constrained to procure boarding with some of their neighbors while they were making a crop and preparing to remove, and yet complied with the letter and spirit of these instructions and the requisitions of the law of the nineteenth of June eigh.

teen hundred and thirty four.

And whereas, also by other instructions of the Commissioner of the Gen ral Land Office, an individual who had built a house on one quarter section of land, and made improvements on another quarter section, might take the one or the other at his election, upon his filing in writing in the land office, a relinquishment for one quarter section, within six months after the passage of said act of the nineteenth of June eighteen hundred and thirty four, which relinquishment, in many and very numerous cases as it appears to this General Assembly, were tendered, to the Officers of General Government at the Land Office at Laporte, and rejected by said officers, in as much as the lands bought at the treaty of eighteen hundred and thirty two were not surveyed, and no plats, maps or tract books of the surveys filed with said officers until in April eighteen hundred and thirty five, so that no culpability could attach to the pre emptor for not filing or tendering his relinquishment sooner-all which cases have been recently reversed, and the want of relinquishment within the six months as required by the afcresaid act of the nineteenth of June eighteen hundred and thirty four whether the same may have been produced by the refusal of the officer to accept the relinquishment, or the failure of the pre emptor to tender the same, has been regarded as a forfeiture of the entire right of pre-emption:

And whereas also by these conflicting decisions of officers of the General Government, land titles in the northern part of this state, have become insecure and unsettled, the pre-emptor ousted from his home, purchased under a bonafide contract with the United States, as announced and promulgated by its agents, and the innocent purchaser of the preemptor caused to expend large amounts of money, which they must necessarily loose; if said construction is maintained and sanctioned by the

General Government for remedy, whereof:

Be it Resolved by the General Assembly of the State of Indiana, That our Senators and Representatives in Congress be requested to use their exertions, in behalf of the State of Indiana to procure the passage of a law

by Congress, vesting the absolute fee simple title to lands held as aforesaid in the pre-emptors of the same, and remedying the evils above enumerated.

Be it further resolved, That his Excellency the Governor, be requested to transmit, a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

CHAPTER XXV.

A Joint Resolution in relation to the improvement of the Wabash river, and to authorize a compact with the State of Illinois.

(APPROVED, JANUARY 6, 1837.)

Whereas the Legislature of this State at its last session appropriated the sum of fifty thousand dollars for the purpose of improving the navigation of the Wabash River between its mouth and the town of Vincennes, and whereas, it is believed that the construction and use of the mechanical structures necessary to this object will require the occupancy of both banks of the river thereby creating a necessity for mutual and concurent jurisdiction and control, between the two States. And whereas the Legislation heretofore had upon this subject by the State of Illinois affords grounds for belief that that State will co-operate with Indiana in making the necessary improvement on this portion of the river, Therefore.

Resolved by the General Assembly of the State of Indiana, That for the purpose of accomplishing the object herein set forth, and of securing to the citizens of both States, mutual and equal participation in the benefits resulting therefrom, it be and is hereby proposed to the Legislature of Illinois that an agreement or compact be entered into between the two States, the terms of which shall be as follows:

First. The States of Indiana and Illinois to have perpetual equal and concurent control of whatever improvements may be made by them on that portion of the Wabash river which forms the boundary line between these States, to be exercised through such agents as may be appointed by the States respectively.

Second. To contribute equally in defraying the expense of constructing and keeping in repair such improvements and the various works connected therewith.

Third. The States to share alike in the profits of said improvements derived from the collection of tolls, water rents, or other charges.

Fourth. The tolls or other charges levied on said improvements shall be equal and uniform on the citizens of both States and upon the citizens of the United States.

Fifth. The improvement to be commenced at such point or points as

in the present condition of the river presents the most serious obstruction to the navigation.

Resolved, further, That the acceptance of those terms, by the State of Illinois, or by any agent of that State, duly authorized to act in the premises, shall be considered as a consumation of the compact without any further action on the part of this State.

Resolved, further, That the State Board of Internal Improvement, be, and they are hereby directed to take charge of the proposed improvements, on that part of this State, and that they be hereby authorized, in conjunction with such agents as may be appointed on the part of Illinois, to adopt such plans for the overcoming of the several obstructions as to them may appear most conducive to the public interest, having regard to the amount of appropriations which may have been or may hereafter be made by the State.

Resolved, further, That so soon as the Board of Internal Improvement may be officially advised of the acceptance of the terms herein proposed by the State of Illinois, and of the appropriation by that State of a sum for the improvement of the river equal to that heretofore appropriated by Indiana; and also of the appointment of an agent or agents, on the part of Illinois to act with them in carryingon the work; they shall therefrom be authorized in conjunction with such agents of the State of Illinois, to commence the improvement of the river at such point or points where they may think the improvement most requisite.

Resolved, That the Governor be requested to transmit a copy of the above Joint Resolution to the Executive of the State of Illinois with a request that it be laid before the Legislature of said State.

SECRETARY'S OFFICE, Indianapolis, March 21, 1837.

INDIANA, TO WIT;

I. WILLIAM J. Brown, Secretary of State, do hereby certify that I have compared the foregoing printed copy of the Special Acts, with the original rolls now on file in my office, and have found the same correctly printed, except the words in brackets [thus,] which are inserted to supply evident omission.

In testimony whereof I have hereunto subscribed my name at Indianapolis the 21st day of March, 1837.

WILLIAM J. BROWN.

AUDITOR'S REPORT.

Auditor's Office, Dec. 13th, 1836.

In obedience to the act entitled "An act concerning the Auditor of Public Accounts and Treasurer of State," the Auditor submits the following report of the Receipts and Expenditures on account of the State of Indiana, from the 1st of December, 1835, to the 30th November, 1836, both inclusive.

RECEIPTS	5.	
There was remaining in the Treasury o	n the 30th	
Nov. 1835, provided all claims audited	to that data	
	lo that date	@C 19C 01
were paid	recovery to soul	\$6,136 81
Since that period there has been receive		
Treasury on account of revenue, for 18	\$27 \$145	79
do do for 18	334	69
do do for 18	35 50,569	57
do do for 18		
40 101 10	00	51,279 05
Parados of Michigan and lands	38,031	
For sales of Michigan road lands		
" Rent of State Prision	700	
" Sales of Lots in Indianapolis	1,342	
" Loans refunded of Indianapolis Fund	1,041	
" Interest on same	218	78
		- 41,334 11
From Estates without known heirs	586	94
" Congressional Townships, (to loan)	438	
	33	
Concetors of Minth I mes	16	
" Incidental payments	10	
		— 1,074 75
" Sales of Seminary lands and in	iterest on	
same	5,128	
" Loans refunded of Seminary Fund	6,961	05
" Interest on Seminary Loans	3,345	87
" Mortgaged lands to Seminary Fund		
morgaged lands to Benniary I and	, 5014	— 16,268 56
" Sales of Saline lands	3,921	
Diffes of Diffine Intons		
" Loans refunded of Saline Fund	510	
" Interest on Saline Fund loans	1,202	
	aria sanction to the	-5,63463
" For Rents of Salt Licks		270 12

Making the total amount of Receipts with cash on hand at last report

\$121,998 03

57

EXPENDITURES.

	ove period, there has been audited for inting, Stationary, distributing laws				
&c.	distributing laws	6,348	51		
	tures of last General Assembly	19,073			
I or expendi	the of his concining	10,010		5,422	10
" Salaries	of Executive officers	2,700		,422	10
66 66	Prosecuting Attorneys	1,287			
66 66	Supreme and Circuit Judges	8,657			
¢ "	Probate Judges	2,944			
66 66	Adjutant and Quarter-master Gen-		30		
	erals		2 00		
	of Becoming 1635, in the Sola James	124 001		5,781	95
On account	of State College	3,804		,,,,,,,	20
on account	of State Library	100			
"	of State Prison	1,573			
65	of Michigan road	37,809			
is the same	of Seat of Government	425			
	of Seat of Government	440		3,713	00
"	of Specific appropriations	5,459		,,,10	00
	of Specific appropriations	512			
"	of Wolf Scalps	16,392			
"	of Loans of Seminary Funds	1,047			
er are to	of Expenditures of Contingent fund of State House	9,830			
	of State House	9,000		3,241	05
	of Loans of Saline fund	6,425		,211	20
"		139			
"	of Expenditures of Saline Fund		00		
	of Transfer of congressional township	688	ne		
11 100 18	fund				
"	of Expenses of Presidential Election	289			
"	of Estates refunded to heirs	278	A STATE OF THE PARTY OF THE PAR	100	oc-
		HALL TO		3,120	00
	6.0		0100	,278	GA
Making the t	otal amount of Expenditures	- 20	\$120	,210	04

The Expenditures being \$126,278 64, and the receipts only \$121,-998 03, it will be seen that there is a deficit this year of \$4,280 61.

In consequence of not receiving from several Clerks of Courts the certificates of assessments of their respective counties, although they have been specially requested to do so, it is impossible, at this time, to say, with any certainty, what amount will be realized to the treasury this year. It will not be less than \$60,000, nor more than \$65,000, after making all deductions allowed by the present revenue law.

Many deficiencies of the law are complained of by those having charge of the collections for this year; among others that of having to pay the amount due each Congressional township to the treasurer of the township, instead of paying the whole amount to the school commissioner,

as is provided for the payment of the five per cent. on the gross amount collected.

Another suggestion from the same source is, that it would greatly facilitate the collections, and better accommodate the people if certain days were fixed to meet them in their respective townships.

Another, that of employing but one assessor to each county to insure uniformity of valuation throughout the county, and that the assessment roll, shall, in all instances be returned to the board doing county business, made out alphabetically, and the duplicate so furnished by the clerk to the collector.

A statement will be made out as soon as the returns of the remaining counties to be heard from are received, exhibiting the valuation of each county, with the amount received from each, and laid before the General Assembly.

Respectfully submitted,

MORRIS MORRIS, A. P. A.

51,279 05

38,031 17

1,342 56

1.041 60

218 78

586 94

16 75

700 00

TREASURER'S REPORT.

TREASURY DEPARTMENT, Indianapolis, 10th, Dec. 1836.

The Treasurer of State, in obedience to the directions of the "Act concerning the Auditor of Public Accounts and Treasurer of State," submits the following Report of the Revenue and expenditures of the State, and the operations of the Loan Office, &c. from the 1st of December 1835, to the 1st of December 1836.

There was a balance remaining in the Treasury, at the close of the last

Danie June		37 31
Saline funds,	582 44	
College fund,	4,891 81	
Funds of of the Treasury proper,	\$663 06	
manical year, of \$0,137 31 as follo	ows, to wit:	

enue of	66	46	"	1827, 1834,	145	69
66	66		66	1835,	50,569	57
46	66	66	66	1836,	560	00

From sales o	f Michigan Road lands,
"	Lots &c. at Indianapolis,
Loans of Indi	anapolis fund refunded,
	oans of Indianapolis fund,
Estates with	out heirs,
Incidental pa	yments,

Loan Office have been, Indiana College, including in-

Congressional townships, Militia fines, The receipts in the College branch of fice Department have been from Vander, commissioner of Reserve Monroe county, James Smith "Gibson Loans refunded, Interest on loans, Sales of mortgaged lands,	Villiam Alex-	438 06 33 00
The amount paid into the Treasury appertaining to the Loan Office, I Andrew Wilson, commissioner of Orange county, Loans refunded, Interest on loans, Rents of Salt Lick Reserves,	has been from	16,268 56
Amount overpaid by the Treasurer of	of State,	5,904 75 4,265 61
		\$126,264 14
The expenditures during the same Pay and mileage of members of the I ding clerks, door-keepers, &c. Printing and stationary, Specific appropriations, Contingent expenses, Premium on wolf scalps, Pay of Probate Judges,* "Executive officers, "Judges of Supreme and City Courts, "Circuit Prosecutors, "Adjutant and Quarter Magenerals,	\$2,929 50 2,700 00 reuit 8,657 25 1,287 50	\$19,073 68 6,348 51 5,459 18 1,047 62 512 50
Payments on account of State House, " " Prison, " " Library, " seat of government Presidential election, Estates without heirs, refunded, Michigan Road scrip redeemed, Michigan Road, The disbursements on account of the Common state of the Com		15,766 25 9,830 12 1,573 54 100 00 425 82 289 90 278 04 37,256 17 552 88

(*Probate warrant No. 1936, \$15, outstanding.)

cidental expenses of Loan Office, Loans of College Fund,	\$3,804 16,392	67	20,197	7 01
Payments on account of saline side of L follows:		Seed 1		
Amount of loans, Saline Fund expenses,	\$6,425 139	00 86	have e red	00
Congressional Township Fund transferred,	.016. 019-0) con	es sol d'aus	6,564 988	
rate bol account of the distall 19 920 mount eratement of the balled allogather		o syl	\$126,264	14
The available means of the Treasury, for year, may be estimated as follows:	the ensuin	g		
Revenue of former years,			500	
Revenue of 1836 yet due,	ANTER TERM		62,500	
Rents from Superintendant of State Prison,			3,620	00
			66,620	00
The expenses will most probably be for s	alaries of			
Judges and Prosecutors,			12,000	
Executive officers,			2,600	
Printing, Stationary and distributing laws,			6,000	
Legislature,			28,000	
Contingent and specific appropriations, Probate Judges,			3,000 2,500	
Wolf Scalps,			700	
State Prison,			2,000	
State Library,			2,008	
Adjutant and Quarter Master Generals,			150	
Presidential Election,			400	
To which may be added the present deficit	of the T	reas-	A William of the same	
ury, including all unaudited and other cla	ims,		15,000	00
- mark	la south o		72,550	00
Leaving the Treasury in debt, on the 30th	Nov. 183	1,	55,930 00.	

The balance of the Revenue of 1835, with a slight exception, was paid into the Treasury, with the same promptness which had attended the collection of the previous years.

We have no data founded upon actual experience, upon which to base an opinion, favorable or unfavorable to the advalorem Law under which our assessments and collections are now made; but the returns now making, and the payments soon to be made at the Treasury, together with the observations of collecting officers, and others, will shortly disclose the character and bearing of that Law, and the amendments necessary to take its operations efficient in assessments and collections, and equitable

in its exactions upon all the various interests of our population.

It was suggested in my last annual report, that there would be a deficiency in the Indianapolis Fund, to meet the expenses of the State House, of from ten to fifteen thousand dollars. This deficiency has been fully realized, as the payments of the last, and the present year on account of the State House, have anticipated the Indianapolis fund to the amount of \$15,000—(besides the sums expended under the act of last session.) This has been from necessity, subtracted from the other means of the Treasury, which, under the best economy, was scarcely adequate to the ordinary expenses of the State.

The effect has been to produce a deficiency in the Treasury of \$4,-265 61, exclusive of the payments on account of the State House, under the act of last winter, and other claims not audited, amounting altogether

to about \$15,000.

It was supposed at the date of my last annual report, that the lots and public grounds at Indianapolis, which would be brought into market in the course of the current year, would reimburse to the Treasury the amount of \$6,000, then already paid from the Treasury in anticipation of the Indianapolis Fund, as well as to meet the expenditures on account of the State House accruing the present year. Those lots not having been brought into market, the deficit remains to be provided for as the Legislature may deem expedient. Whether or not, this deficit will be met by a corresponding increase of the revenue, over the growing demands on the Treasury, through the ordinary expenses of the State, cannot now be ascertained, as the effects upon the revenue, under the operations of the advalorem law, have not yet been sufficiently tested, to enable a correct opinion to be formed. There is a probability, however, that a small increase will be realized; but the greater safety for the Treasury would seem to suggest the propriety of bringing into market, the lots in Indianapolis yet retained by the State. There has been presented at the Treasury, by the Lawrenceburgh and Indianapolis Rail Road company, under the provisions of the act of last session, mortgages to the amount of \$221,000, and an equal amount of State bonds have been delivered to the company. The operations in the several branches of the Loan Office, still continue to manifest the salutary character of the law, and the safety and productiveness of the funds subject to be loaned under the superintendance of the Treasurer of State.

The balance of the property mortgaged by the late James Noble has been sold for an amount equal to the balance of the debt and interest. It is not now believed, that any portion of the funds under the action of the Loan Office, is in a hazardous condition, but that all rests on such andoubted security, that no loss can reasonably be apprehended.

The expenditures on account of the State House, incident to the various requirements of the act of last session, will probably amount to about \$5,000. The principal item of this expense has been on account of grading the State House square.

A detailed statement of the whole, will be made the subject of a separate communication.

All of which is respectfully submitted.

N. B. PALMER, Treasurer of State.

INDEX.

town of the state	
ALEXANDER, JAMES, authorized to collect tax in Monroe county APPROPRIATIONS, specific	368 425 427
Babbas units with	
BOUNDARY LINES, between the counties of Carroll and White, altered BRIDGES, to provide for a Bridge at Connersville Located in Vermillion county Over East Fork of White Water, at Brownsville	379 294 376 31
entequed applied and C. E. aus acres I had	
COMMISSIONERS, proceedings of, in Warren county, legalized May hold special session in Vigo county Of Dearborn county, may levy Road tax Of Washington county, may fund at Interest certain moneys	392 408 25
CORPORATION, to extend the powers of the Charter of Crawfordsville - COURTS, special session of, in Marion county Special session of, in Johnson county Special session of, in Vermillion county COUNTY ORDERS, an Act relative to, in the county of Parke, repealed	72 384 388 391 407
oner adduction of the control of the	
De BRULER, H. P., acts legalized DIVORCE, Amanda M. Smith divorced	359 354
har a land made that demon E an entite asymmetry	
ELECTIONS, of Probate Judge in Porter county, legalized Of Trustees for the Library in Pike county Of Probate Judge in Fulton county, legalized Time of holding township, changed in the county of Warrick Of Probate Judge in Kosciusko county, legalized ELLETT, EDWARD, Jr. widow and guardian, may sell Real Estate -	381 385 386 408 418 398
er Anaquie septed for the frame Pair section and	
FIRE ENGINE, an Act to preserve Fire Engine in Indianapolis	390

456			TO INCORPORATE town of Evansville, amended 14	
			Vevay Seminary, amended 15	
H			Vevay Seminary, amended 15 Town of Vernon extended 15	
부분 마음 사용 전 경험 전 경험 보고 있다. 그는 사용 전 경험 전 경			Fol River and Michigan Road Bridge Company - 13	
HIGHWAYS, Yellow River declared a public highway	357		Wayne and Union Turnnike Road Company 15	
Banbango creek declared a public highway	961		Duffele and Mississippi Rail Road, amended 10	14
Obstructions in Eel River, Act to remove, repealed	301		Lafayette Bridge Company 16 Noblesville Bridge Company 16	0
HORSE THIEVES, Act to encourage the apprehension of, in Washington	383		Nobles will Bridge Company 16	
county			Carpenters' and Joiners' Association in Indianapolis 16	
county	422		Porter County Seminary 16	7
			Porter County Seminary 16	0
TO A STATE OF THE PARTY OF THE				
INCORPORATION OF THE PROPERTY			Fountain County Insurance Company 1/	0
INCORPORATION of Western University	3		Brownstown Insurance Company 10	
Indiana Pottery Company	7		Milton Savings Institution 19	
Asbury University	9		Rloomfield Insurance Company	
Carroll County Seminary	13		Delphi Insurance Company 19	
Peru Collegiate Institute	17		Mount Vernon Insurance Company 20 Town of Lafayette 21 Brokville Insurance Company 21	15
Town of Rome, charter revived	19		Town of Lafavatta 21	1
Crawfordsville and Covington Rail Road, part of charter	10		Brokerillo Insurence Company 21	
repealed -	00		Philometh Turnpike Company 22	
repealed - Town of Bloomfield	20			
Demonstrated In the Publisher In Publisher I	20		Hudson and New Buffalo Rail Road Company - 22	15
Perrysville and Danville Rail Road	27		Fort Wayne and Piqua Rail Road Company - 23 Laurel Savings Institution 24	10
Evansville Manufacturing and Dry Dock Company -	28		Laurel Savings Institution 24	12
Indianapolis, Lebanon and Lafayette Turnpike Company	38		Mount Carmel and New Albany hall hoad Company	LU
New Albany Seminary Town of Knightstown	38		Towns and Machanics' Savings Institution 40	1
Town of Knightstown	40		Michigan City, amended 29 White River Bridge Company 29	6
Ohio and Indianapolis Rail Road Comp. charter amended	46		White Piver Bridge Company 29	10
New Amsterdam Manufacturing Company	47		White River Bridge Company - 29	12
Madison and Lawrenceburgh Hotel Companies -	50		St. Joseph Manual Labor Institute	16
Fal Biver Monufacturing Companies		81	White River Bridge Company 29 St. Joseph Manual Labor Institute 29 New Albany Hotel Company 29 Crawfordsville, Rockville and Terre Haute Tnrnpike	
Eel River Manufacturing Company St. Mary's Eridge Company	53		Crawfordsville, Rockville and Terre Haute Thripine	10
For Worner and Man P. 1	55		Company 29 Carlisie School Society 30	10
Fort Wayne and Maumee Bridge Company O INCORPORATE the Hartford Steam Mill Company	56		Carlisle School Society	10
TO INCORPORATE the Hartford Steam Mill Company	59		Lol Diviot and Locansport Bridge Community, Charlet	
Clay County Seminary	61		amended 42	25
Laurel Academy	64			
Clay County Seminary Laurel Academy Town of Bowling Green	67			
Richmond Trading and Manufacturing Company -	67		에 있는데 있는데 하다면 하는데 살아지지 않는데 그리고 있는데 아니는데 아니는데 아니는데 아니는데 아니는데 아니는데 아니는데 아니	
New Albany Guards Williamsport Bridge Company	69		NOINT RESOLUTIONS AND MEMORIALS, on the subject of the Cum-	
Williamsport Bridge Company	70 .	6	Lauland Dood	29
The Liverpool Bridge Company Hendricks County Seminary Washington Hall Company Town of Cleaveland	72	100		30
Hendricks County Seminary	74	Carlo	On the subject of Surplus Revenue 43 Revision of the Laws 43	31
Washington Hall Company	79		On the subject of Surplus Revenue	
Washington transcompany	83		Revision of the Laws 43	00
Town of Cleaveland Town of Shelbyville			Relative to additional public works at Michigan City Relative to additional public works at Michigan City Relative to additional public works at Michigan City Relative to applie lends suspended from sale on Wabash canal 43	20
Town of Shelbyville	87		In relation to the publication of a certain Law	10
Jeffersonville Iron Company	88		Relative to additional public works at Michigan City	14
Lawrenceburgh Savings Institution	91		Relative to additional public works from sale on Wabash canal 43 Relative to public lands suspended from sale on Wabash canal 43	4
Eel River Steam Mill Company	95			
Town of Greensburgh Town of Bethlehem	97	Bloom Book	To all 1 Ct - Countries Franch inhanifality at Villetings - 40	,,,
Town of Bethlehem	101		Deleting to Duidge carege the Kankakee	16
Michigan City and St. Joseph Rail Road Company -	106			
Vincennes and Terre Haute Turnpike Company	113			36
Indianapolis and Michigan City Rail Road Company	119		Road - Relative to the purchase of Louisville Canal Stock - 43	37
Indianapolis and Michigan City Kan Koad Company	101			
Fol Divor Deiter C	120		Directing the Secretary of State to furnish the Revised Laws	27
Detriet Trans il C	130		Porter County 40	20
Indiana Mutual Fire Insurance Company Eel River Bridge Company	133		Porter County 43 Relative to a Law therein named 43 Resolution passed at the present session 43	0
Town of Greenfield	139		To explain a Joint Resolution passed at the present session 43:	0
Turkey Plain Manufacturing Company	145		On the subject of the Three per Cent. Fund 43: On the subject of the Northern Canal	8
Lawrenceburgh and Tanner's Creek Bridge Company	146		On the subject of the Northern Canal 43	9
Town of Terre Haute amended	147		58	
Jeffersonville and New Albany Canal Com, amended	147			
Jeffersonville and New Albany Canal Com. amended Lawrenceburgh Bridge Company, amended	143			
00.	A STATE OF THE PARTY OF		이 선생님들이 아니는 아이들이 아니는 아이들이 얼마나 아이들이 아니는 아이들이 얼마나 아이들이 얼마나 아이들이 아니는 아이들이 아니는 아이들이 아니는 아이들이 아이들이 살아 없다.	

JOINT RESOLUTIONS AND MEMORIALS, for the benefit of the Luthe-	
rian denomination in Indianapolis Respecting Blackford's Reports	440
For the election of Public Printers	440
For the election of 1 tione 11 mices	441
J	
JUSTICES OF THE PEACE, additional one authorized in Franklin town-	
ship, in Owen county, and Vienna township in Scott county	379
One authorized in West Point, Tippecanoe county	381
In the Towns of New Amsterdam and Georgetown	399
L L	
LANDS, SEMINARY, court authorized to sell reserved lands	370
Court authorized to cancel certain contracts -	418
Sale of, authorized	421 383
LOCKS, in the pool dam near Delphi LOST CREEK, to provide for draining	5
MOST CHEBIN, to provide for draining	
M	
MICHIGAN ROAD, supplement to an Act to authorize Com'r. to corres-	
pond with Com'r. of the General Land Office	423
MILL DAMS AND RACES, Andrew Waymire authorized to build a Mill	365
Dam over Wabash river Paul M'Coon and others authorized to build a Mill Dam	303
	374
across Wabash river	380
William McIlvane authorized to erect a Will Dam across	000
White river	380 393
R. M. Kirk, authorized to raise his Mill Dam higher -	396
Across the East Fork of White river	
To authorize Ezra Baker to build a Dam at Coffee Island	R.
on Wabash river	TI.
N	
	390
NEWTON COUNTY, attached to Porter - NAMES, to change the name of Jacksonburgh, in Brown County, (see last	390
section of Act relating to State Roads	320
Town of Danville changed	354
Town of Portsmouth changed	382
Town of Fullerton changed	387 405
Town of Jamestown changed	
Mary Ann Elder Glasgo changed	358
Declared misprint	365
${f P}$	
PRESBYTERIAN CHURCH, proceedings of Trustees of, in Greensburgh	105
legalized	405
of Salem, legalized	406
PROBATE JUDGES, acts of, in Dearborn county, legalized	平 于

RAWLINS, DANIEL A., authorized to sell certain Real Estate	376
REAGAN WILKS, a Deed authorized to be made to	395
RELIEF of James Warren	355
Of the Collector of Cass County	382
Of Charles Woodward	387
Of Zechariah Nicholson	389
Of Isaac Wilcox, Justice of the Peace in Hendrick County	395
Of David Milburn and others	406
REVENUE, assessment and collection of in Warrick and Spencer legalized	356
Assessment of in Martin County, legalized	382
Assessment of in Vanderburgh County, legalized	416
ROSEBERRY, NANCY, act for the benefit of	364
ROADS AND HIGHWAYS, to provide for epening and repairing in the	
County of Clay	414
${f S}$	
SCHOOL DISTRICTS, formed in Marion and Shelby Counties	402
FUNDS, transfer between the Townships of Eel and Noble, in	
Cass County	359
LANDS, sale of in Shelby County, legalized	362
Sale of in Lagrange County, authorized	417
CTATE DITATES on Act relating to State Roads	305
From Springfeld to Emanual Hatfield's	330
A certain State Road in the Counties of Perry, Crawlord	330
and Orange	331
Vacate part of two Roads in Parke County	331
From Rochester to Monticello	332
Change the direction of Michigan Road	333
From Blair's mill to Kraco	333
To change the Commissioner on the Road from Jehu Per-	
kins' to Napoleon	334
Declaring a County Road a State Road	334
Part of the Newcastle and Lafayette Road re-located -	335
From Emanual Hatfield's to Black Creek Bridge	336
Part of Road from Vincennes to Carlisle, re-located	336
Part of Richmond and Fort Wayne Road located	337
From Hope to Columbus	338 338
From Greensturgh to Moses Joiner's	339
From Centreville to Milton	339
From Newcastle to Knightstown	339
From Martinsville to Danville, law to locate, repealed -	339
From Washington to Carlisle	340
From Frankfort to Washington	340
From Iseley's mills to Lafeyette Road	341
From Fredonia to crossing of Mill creek	342
From Mooresville to Crawfordsville, changed	343
From Greenfield to Franklin	344
From Arnold's Ferry to Maysville	345
From Fort Wayne to Indianapolis, part of re-located -	345
From Bloomington to Bloomfield	346
From Henry County via Yorktown and New Cumberland	
Indianapolis and Centreville State Road, part of, vacated	348
From Portland to the Michigan Road	349
BERNEL	

STATE ROADS, from Aurora to John Dershield's farm	361
Certain County Roads in Owen County declared State	
Roads	362
State Road in Hancock County, re-located	351
From Noblesville to Andersontown, part of, re-located -	352
To establish certain State Roads	352
From Cynthiana to Webb's Ferry	350
From Napoleon to Vernon	349
From Hathaway's mill to intersect Washington State road	356
From Stephen Stutman's to State line -	363
From Frankfort to the Crawfordsville State Road	363
From Princeton to Pike County line	364
From Andersontown to Knightstown	366
State Road located and another vacated in Vermillion Ct.	366 368
From Rome to Jasper	371
State Roads in Laurel, re-located	372
From Lakeport to E. Provolt's tavern	412
Rossville to Americus	415
	360
From Madison State Road to Jacksonburgh From Laporte to State line	358
	409
SWAMPS, near Indianapolis, drained	-
TOWNS, Northampton vacated	355
Titles to Lots in Merom, established	389
Deed from Peter C. Vanstyle, to Town of Bloomfield, legalized	394
Samuel Coleman authorized to sell certain lots in Attica	400
Re-survey of Attica confirmed	407
Authorize the change of certain grounds in Indianapolis, with	A
the State	411
TOWNSHIPS, CONGRESSIONAL, to legalize the proceedings of Trustees	410
of Town 6, range 1, Dearborn County	419 321
THREE PER CENT. FUND, to appropriate in several counties	357
To Orange county	367
To Grant county	369
To Gibson county	369
To Vigo county	371
To Sullivan county, funded	373
To Sumvan county	375
To Park county Appropriated on Rome and Paoli State Road	378
In Fulton, to be loaned	375
In Fulton, to be loaned	399
Appropriated in the counties of Harrison and Floyd -	403
To Hancock county, appropriated	410
To Green county, appropriated	413
Part o', appropriated to Orange county	419
rart o', appropriated to orange country	
V	
以100mm,100mm 100mm 100m	
VENUE, authorized to be changed in certain cases	401
authorized to be changed in Vermillion county	403

